CHINA:

THE THREE WARFARES

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CHINA:

THE THREE WARFARES

PROJECT DIRECTOR

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Stefan Halper has served four American presidents in the White House and Department of State. He has produced two similar analyses for the Office of Net Assessment; **The Iraq War** in 2005 and **The Afghan End Game** in 2010.

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II. CERTAIN ASSUMPTIONS HAVE GUIDED THIS PAPER:

1. The US and China share common economic and commercial interests and, together, account for half of global economic growth. Though Washington and Beijing have profoundly different values and perspectives in important areas, economic cooperation can add stability and economic growth to many parts of the world.

2. China uses its economic power to exert psychological pressure on regional states and the global community to encourage support for its policies and objectives.

3. China is engaged in a revitalization process.

4. China seeks to regain premier global status.

5. Nationalism is rapidly replacing ideology in China.

6. The Beijing government may not be able to contain its liberal and traditional nationalist critics in the event of a crisis.

7. China's South and East China Sea policy is a function of domestic conditions, the need for resources and national identity.

8. China seeks to diminish or rupture US regional alliances.

9. China seeks to establish a PRC sphere of maritime influence and control. In Stage 1, from 2000 to 2010, this entails controlling the waters within the First Island Chain that links Okinawa Prefecture, Taiwan and the Philippines. In Stage 2, from 2010 to 2020, China would control waters within the Second Island Chain that links the Ogasawara island chain, Guam

and Indonesia. In Stage 3, from 2020 until 2040, China would end U.S. military dominance in the Pacific and Indian Oceans.[1]

10. The Three Warfares have generated regional tensions, alienated the South China Sea littoral states from Beijing, and facilitated the US “rebalancing” to the Pacific.

11. The Three Warfares is used by China to project psychological pressure, publicize “legal” arguments and to assert China’s claims to resources and territory in regions ranging from the East and South China Seas to the Poles. The Senkaku Islands and Okinawa provide cases in point.

12. China is using the Senkaku Island dispute to probe US intentions, resolve and willingness to defend Japan.

13. US-Indian relations are conditioned by India’s 2000 mile shared border with China. While India is sensitive to Chinese “encirclement”, a formal US-India alliance is not likely at this time.

[1]Stacy A. Pedrozo. 'China's Active Defense Strategy and its Regional Impact'. Statement before the US-China Economic & SEcurity Review Commission. *Council on Foreign Relations.* January 27, 2011. P.2. This strategy has been enunciated by various PRC leaders in different for a.

III. EXECUTIVE SUMMARY

This study assesses a trend that may fundamentally alter the competitive position of the United States in the South and East China Seas region. It identifies the elements of the challenge presented by China's Three Warfares; it refines our understanding of Beijing's varied use of this concept; its potential impact on US force projection in the South and East China Seas; lessons the Chinese have drawn from the way the US enters conflicts; the implications for US strategic planning and PACOM deployments in the South China Sea and the Western Pacific; it identifies countermeasures, and considers what we may confront in the decade ahead.

The endorsement of Three Warfares by the CCP Central Committee and the Central Military Commission in 2003 reflects China's recognition that in the modern information age nuclear weapons have proven essentially unusable and kinetic force is the preferred option in ever decreasing scenarios. Moreover, strategies centered on kinetic engagement have too often brought problematic outcomes and "un-won" wars.

The Three Warfares is a dynamic three dimensional war-fighting process that constitutes war by other means. Flexible and nuanced, it reflects innovation and is informed by CCP control and direction. Importantly, for US planners, this weapon is highly deceptive. It proceeds in a dimension separate both from the well-worn "hearts and minds" paradigm and from the kinetic context in which power projection is normally gauged and measured by US defense analysts. The Three Warfares envisions results in longer time frames and its impacts are measured by

different criteria; its goals seek to alter the strategic environment in a way that renders kinetic engagement irrational.

If the US objective were to gain port access for the USN in a particular country, for example, China would use the Three Warfares to adversely influence public opinion, to exert psychological pressure (i.e. threaten boycotts) and to mount legal challenges—all designed to render the environment inhospitable to US objectives.

The Three Warfares:

This paper concludes that if the object of war is to acquire resources, influence and territory, and to project national will - China's Three Warfares is war by other means.

- *Psychological Warfare* seeks to **influence** and/or **disrupt an opponent's decision-making capability**, to create doubts, foment anti-leadership sentiments, to deceive opponents and to attempt to diminish the will to fight among opponents. It employs diplomatic pressure, rumor, false narratives and harassment to express displeasure, assert hegemony and convey threats. China's economy is utilized to particular effect: China threatens sale of US debt; pressures US businesses invested in China's market; employs boycotts; restricts critical exports (rare minerals); restricts imports; threatens predatory practices to expand market share, etc.

- *Media Warfare* (also known as public opinion warfare) is a **'constant, on-going activity aimed at long-term influence of perceptions and attitudes'**.[2] It leverages all instruments that inform and influence public

[2]Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder* Number 2745. November 26, 2012. P.3

opinion including films, television programs, books, the internet, and the global media network (particularly *Xinhua* and CCTV) and is undertaken nationally by the PLA, locally by the People's Armed Police and is directed against domestic populations in target countries. Media warfare aims to: preserve friendly morale; generate public support at home and abroad; weaken an enemy's will to fight and alter an enemy's situational assessment.[3] It is used to gain 'dominance over the venue for implementing psychological and legal warfare'. [4]

- *Legal Warfare* (or 'lawfare') **exploits the legal system**[5] to achieve political or commercial objectives. It has a prominent role in the warfare trilogy. Lawfare has a range of applications. They range from conjuring law to inform claims to territory and resources, to employing bogus maps to 'justify' claims.[6] In a distorted application of domestic law, for example, Beijing designated the village of Sansha on the Paracel Islands, as a Hainan Prefecture to extend China's administrative writ into the South China Sea. China also uses UNCLOS provisions and other legal conventions for unintended purposes.

The instruments of lawfare include: domestic legislation, international legislation, judicial law, legal pronouncement and law enforcement[7] -which can be used in combination to inform and shape 'lawfare' operations.

[3] Ibid P. 4
[4] Ibid P.4
[5] See paper by Professor Justin Nankivell.
[6] Most notably the nine-dash U-shaped line that encompasses approximately 1 million square miles of the South China Sea, but also including bogus maps detailing the Indian-Chinese border and the Senkaku Islands.
[7] See paper by Professor Justin Nankivell

China's Unique View of Sovereignty

China's concept of sovereignty is carefully considered in separate contexts because it lies at the root of Chinese nationalism, and, indeed, informs much of the tension on China's periphery. China's notion of sovereignty arises from the political ethic of "monism" advanced by the Confucians and Legalists 475-221 BC, which denies that legitimate international order can rest on co-equal sovereigns. China conceives of **sovereignty as indivisible:** 'if one had an equal, one was not sovereign'.[8]

The profound disconnect between China's view of sovereignty and the concept of sovereignty arising from Westphalia in 1648 forms the basis for China's rejection of the legal architecture that has managed global equities for the past 200 years. Beijing's ire is directed, in particular, to the post World War II structures that have regulated global affairs through the UN, the World Court, the World Bank and now UNCLOS. Here Beijing seeks nothing less than to revise the global legal regimen and replace it with one having Chinese characteristics.

Focus on the United States

China's Three Warfares is designed to counter US power projection. The United States is one of four key audiences[9] targeted by the campaign, as part of China's broader military strategy of 'Anti-Access/Area Denial' in the South China Sea

[8] Christopher Ford .*The Mind of Empire: China's History and Modern Foreign Relations.* 2010.P.53
[9] Others are China's domestic audience, the global public and the South China Sea claimants.

The US depends upon access to the maritime commons (and Japan) to anchor its strategic position in Asia. China seeks to curtail US power projection by **setting the terms for US access**. Separate from the likely kinetic exchange on, under and above the sea in the event of confrontation, the Three Warfares is the mechanism by which China intends to format the campaign environment to its advantage. China aims to modify regional expectations and preferences while raising doubts about the legitimacy of the US presence.

Four scenarios illustrate ways in which the Three Warfares may threaten future US power projection:

i. **By seeking to counter the US naval presence**: In locations where the US is supporting an ally or friendly government, China would employ coercive economic inducements, broadcast themed attacks asserting US 'decline' and assert that the US security guarantee is not reliable. Beijing's objective would be to diminish or rupture US ties with the South China Sea littoral states and deter governments from providing forward basing facilities or other support.

ii. **By seeking to counter US surveillance operations and routine USN deployments.** China's objections to surveillance and USN deployments in its EEZ or elsewhere in the South or East China Seas, could bring confrontation and the clash of two deeply held principles; China's expansive view of sovereignty and the US commitment to Freedom of Navigation and over-flight in international air space. China will use legal warfare to advance its restrictive interpretation of UNCLOS and question the US right to deploy naval and air units in China's EEZ.

iii. **By facilitating China's global reach.** Resource and energy demands--and its "Malacca Dilemma"-- force China to extend its global reach. The Three Warfares are being used to neutralize concerns and gain support among regional governments, business communities, and the public for China's growing presence, investments and military facilities, throughout the South China Sea and Indian Ocean including Gwadar in Pakistan, Hambantota in Sri Lanka, the Kra Isthmus in Thailand, and at Marao Island in the Maldives.

iv. **By hindering a US OffShore Control Strategy**. A strategy of Offshore Control, should it be required by the US, involves the execution of a naval blockade to create a no-man's sea between the Chinese mainland coast and the First Island Chain. Its success relies on the cooperation of third parties: **The Three Warfares** would be used to condition public opinion and business sentiment and to impose economic pressure on states such as the Philippines, Indonesia, Brunei and Malaysia to inhibit governments from providing the facilities and support needed to service the USN operations in the South China Sea and to deny the US a favorable regional political environment.

Countermeasures

Effective countermeasures are available and are detailed in this study. Part 7 of the Overview and Analysis section details countermeasures to 'lawfare', psychological warfare, and media or 'information' warfare. A partial list includes:

1. Forceful legal action brought in established international venues to challenge China's 'lawfare' initiatives before the global public;
2. High profile public reaffirmation of US security commitments;
3. Expanded US support for various regional multilateral fora;
4. Continued and regular reconnaissance missions (must include protection against harassment/attack, and proper ROE to avoid EP-3 repeat);

5. Regular Freedom of Navigation exercises in the South China Sea and within the EEZ of all nations in the Region;
6. Strengthened public diplomacy programs;
7. Targeted investment and development efforts;
8. Expanded military to military talks and exchanges;
9. Increased tempo for joint naval exercises.

The Japan Gambit

If China's regional policy seems opportunistic, the Three Warfares serves to secure both regional objectives and to mobilize nationalist emotions--and at minimal cost.

The Three Warfares has shown sophistication and effectiveness in the March-June 2013 period regarding the Senkaku Islands and Okinawa. In the former, China has used "legal" arguments, psychological gambits in the form of "peoples war at sea" and a global media campaign to assert that despite established law, Japan "illegally occupies" the Senkaku islands. China has thus put the Islands in play. Okinawa may be headed for a similar fate—but perhaps for a different purpose. First *Xinhua* printed a scholarly article raising the question of Okinawa's status. The MOFA then refused to confirm that Okinawa belongs to Japan. Building upon anti-Japanese regional sentiment, China's immediate objective is to put Okinawa in play, though its long-term objectives are unclear…thus demonstrating both the flexibility and deception inherent in the Three Warfares.

Discussions in Japan

In discussions and interviews held in Tokyo March 2013, Japanese political, economic and Self Defense Force leaders made clear that:

i. Japan will use force if necessary to defend its position in the Senkaku islands.

ii. Attitudes toward China among the Japanese public have hardened. Over 80% believe China's aggressive actions in the East China Sea (Senkaku Islands) are responsible for rising tensions.
iii. Attitudes toward North Korea have also hardened. Fear of nuclear or other missile attacks have accelerated the deployment of anti-missile frigates and destroyers around northern Japan and around major cities.
iv. Japan will expand its military capabilities at an accelerated rate by building additional frigates, destroyers, submarines and aircraft.
v. Japanese officials believe they have a clear and reliable agreement with Washington and rely upon the US nuclear umbrella and upon the US to provide conventional forces if needed. [10]
vi. Officials assert the alliance anchors the US position in the region. It is essential for both nations.
vii. China's objective is to sever the US-Japan alliance, which it believes will degrade the regional alliance system. This is thought a crucial step preconditioning China's restoration of regional primacy.
viii. "Japanese nationalism is in check now but could become very strong, take a hard line and provoke a confrontation. The Abe cabinet must develop an effective course of action".[11]

While Japan has played a limited role in resisting Chinese aggression over the past decade, this will likely change. Functioning as the anchor of the US presence in East Asia and the Western Pacific, Japan will likely take a more forward posture in addressing the China problem as the next decade unfolds.

The Three Warfares is here to stay: A Difficult Challenge

[10] Professor Stefan Halper, met with JMDF, Parliamentary leaders, the Prime Minister's Cabinet Secretary, the MOFA, Meti and various think tank researchers in Tokyo in March 2013.
[11] Vice Rear Admiral Yogi Koda, Tokyo, March 22, 2013

This study describes a process that extends China's embrace of Asymmetrical Warfare into new realm. The Three Warfares, taken individually are manageable; but taken together they do not conform to our concept of war.

Our war colleges and military research traditions emphasize kinetic exchange, the positioning and destruction of assets and metrics that measure success by kill ratios and infrastructure destruction. US Strategic analysis addresses the central challenge of battle space dominance and the optimum applications of **C^4ISR** (command, control, communications, computers, intelligence, surveillance, and reconnaissance).

By adopting the Three Warfares as an offensive weapon, the Chinese have side-stepped the coda of American military science. Our institutional apparatus and intellectual traditions are focused on a different phenomenon when we speak of, or think of, war.

They have introduced a military technology which has not previously been considered as such in the West. It is a military strategy, we have not engaged, analyzed, or taught—as such--at our military academies. It is a new way of thinking about conflict that has the advantage of both obtaining the sought after objective and engaging the US in an asymmetrical manner that sets aside the potent body of military science and experience that has formed our view of war. They thus extend the notion of asymmetrical warfare into a new dimension with the question of "What is war?"; Can the spoils of war be obtained without fighting in 2013? The answer lies in the military function of time, and how success is measured. The challenge is to view these concepts in new light

A modest proposal

At present, the US government lacks an office to coordinate countermeasures to the Three Warfares. Such personnel could, perhaps, be attached to the China Desk at the NSC. This report provides a blueprint of the issues and possible steps to be taken. An inadequate response to this challenge could well result in the US being out-maneuvered in this vital regional space, and in fact unable to maneuver within it, over the next decade.

IV. INTRODUCTION

This study details the various elements of the challenge presented by China's use of the Three Warfares in the South and East China Seas; it refines our understanding of Beijing's use of this concept, its potential impact, and the implications for US strategic planning and PACOM deployments in the South China Sea. Particular attention has been given to the manner in which the Three Warfares may impact US power projection and the countermeasures available to US planners. The study concludes with an analysis of what we may confront a decade from now.

THE APPROACH OF THE STUDY

Project Tasks

The study, presented in **Part VIII**, addresses the DOD tasks in a series of eleven papers.

Task 1: Define the Three Warfares and identify the situations and locations in the East and South China Seas and the Sea of Japan where the Three Warfares are most likely to be applied.

Task 2: Based upon the literature and interviews analyze the perspective of present day Chinese military officers planning the 'pre-conflict' module of a possible kinetic confrontation.

Task 3: Analyze how confrontations involving use of the Three Warfares have differed to meet the specific context of each scenario in terms of political conditions and operational tempo.

Task 4: Analyze the lessons the Chinese have taken from the way the US enters conflicts and discuss how that informs their use of the Three Warfares.

Task 5: Taking past incidents as a baseline (namely, the April 2001 EP-3 and 2009 USNS Impeccable incident) analyze the application and impact of the Three Warfares at each stage of the crisis.

Task 6: Discuss the circumstances in which Beijing has deployed the Three Warfares. (These have included fishing disputes, island and boundary disputes, Law of the Sea provisions, etc.)

Task 7: Examine the Three Warfares role in the 'war of Framing Concepts': how, and with what effect, the campaign has been used to sway world opinion; and how modified world opinion may impact US power projection in pre-kinetic situations.

Task 8: Examine China's use of 'lawfare'. How does China use the "law" to advance its objectives?

Task 9: Analyze China's concept of sovereignty; examine the validity of its claims based upon history and traditional and customary use.

Task 10: Analyze the impact of nationalism on interstate conflict in the South and East China Seas: projecting its role in China, India and Japan.

Task 11: India's perspective on China in South Asia and the Indian Ocean remains complex; a friend but not an ally. What are India's priorities and how should the US view the Indian relationship?

Approach

Because the Three Warfares is a complex, interactive process, various elements of these tasks are considered from different perspectives in the "Overview and Analysis" and in separate papers. They are also addressed in the conclusion. Parts 1-9 of the Overview were written as "stand-alone" documents allowing readers with particular interests easy access; readers may find some repetition here, and in the Introduction and Conclusion, where important findings are reiterated.

Caveats

The project Advisers and Contributors have provided guidance, suggestions and direction and have deeply influenced many of the views expressed in the Overview and Analysis section, but time and distance have not allowed all to review the final version of the paper. Contributors are responsible only for the views expressed in

their own papers. When it is said that "Contributors believe, or contributors assert", it is an assessment based upon conversation and the written papers, not a survey of views. That said, the Advisers and Contributors have provided cogent and creative analysis and provided invaluable guidance in addressing this difficult problem.

The Papers

The papers on Legal Warfare (or 'lawfare'), one of the Three Warfares, address a range of legal questions extending from China's deeply flawed historical claims to its practice of layering legal arguments, using bogus law and using the law to advance and structure political claims as in Sansha City the Senkakus and Taiwan.[12] The paper addressing the role of 'nationalism' as a frame for the implementation of the Three Warfares, addresses the dynamic relations among China, Japan and to a lesser extent, India and how this has, in certain instances, conditioned China's use of the Three Warfares.[13] More directed papers considering the Impeccable incident, the EP-3 incident and the Senkakus address the manner in which China has, and is deploying the Three Warfares, and what the effects have been.[14]

The writers and Advisers include: US Navy admirals with operational experience in the South China Sea and as CINCPAC. They include an Australian Admiral, a Commodore of the Indian Navy, the Editor of China Brief who served as a US government China analyst; a private sector analyst; professors of military science from the US Naval War College (USNWC), the Asia-Pacific Center for Security Studies (APCSS) in Hawaii, a former professor of military Science at Kings

[12] See papers by Professor Malik Mohan and Professor Justin Nankivell
[13] See paper by Professor James B. L. Mayall.
[14] See papers by Rear Admiral Mike McDevitt USN (ret.), and Rear Admiral James Goldrick RAN (ret.)

College London and the Joint Command and Staff College (UK), and professors of history and international studies from the University of Cambridge.

Advice

The study benefited greatly from the advice and guidance of a small group in Washington and Cambridge consisting of RADM James Stark USN (ret.), ADM Walter Doran USN (ret.), VADM Mike McDevitt USN (ret.), Mr. Peter Mattis, Professor James Mayall, FBA, (Cambridge) and Professor Philip Towle (Cambridge).

Interviews

Sixty-nine Interviews and discussions were conducted in Washington, the US Naval War College at Newport, R.I., London, Oxford and Cambridge in the United Kingdom, PACOM and APCSS in Hawaii, The Indian National Maritime Foundation in Delhi and the Japan Maritime Self Defense Force (JMSDF), The Japan Institute of International Affairs, National Institute of Defense Studies, Ministry of Defense, JMSDF Staff College, JMSDF Naval War College, and the School of Defense Sciences, National Defense Academy , Tokyo. Most interviews were one on one. Discussions at the JMSDF Staff College, JMSDF Naval War College, and the School of Defense Sciences, National Defense Academy, Tokyo had small groups of four to six persons. Transcripts of the interviews are not included in this report, due to added length, although careful note was made of the substance which has been included in the “Over view and Analysis” section. The Interviewees are listed in **PART X.**

Why is this of interest to the US government?

This study casts the Three Warfares in a new light. The Three Warfares present a formidable three dimensional war- fighting process. As such, if Clausewitz reminds us that ‘war is politics by other means’ it is correct to say that the Three Warfares constitute war by other means.

Flexible and nuanced, the Three Warfares accommodate innovation while insuring Party control and direction. This dynamic tri-part process is mutually reinforcing. It is uniquely suited to an age where success is often determined by whose story rather than whose army wins. It arrives at a time when mass weapons, though a deterrent, have been essentially unusable for sixty years, where kinetic force has too often been a recipe for disappointment and reversal. (Vietnam, Iraq, Afghanistan)

This adaptable military technology introduces a powerful new dimension to inter-state conflict and may, over time, impact the conduct of war in ways not dissimilar to the rise of modern unconventional warfare. If the Three Warfares is not a “game changer”, it certainly has the capacity to modify the game in substantial ways.

China’s Three Warfares have spearheaded China’s efforts in the Macclesfield Bank, Scarborough Shoal, the Paracels and Spratlys, and have been applied against Taiwan for over a decade. In the spring of 2013 we see the Three Warfares leading China’s approach to the Senkakus and Okinawa. In each of these cases China’s hardline claims and threat behaviors have been expressed through the use of conjured ‘law’, by intimidation and through media attack. The Three Warfares has spearheaded much of China’s progress in a range of disputes across the South

China Sea and, with the exception of China's remonstrations over the Senkaku Islands and Taiwan, Beijing's new military technology has brought *de facto* success.

Furthermore in the decade ahead China's Three Warfares will play an increasing role in China's determination to expand its frontiers, to secure the maritime perimeter encompassing Japan, Taiwan, Korea, the Philippines and the South China Sea. Analysts indicate that China intends to control the First Island Chain by 2015 and the Second Island Chain by 2050 to achieve, among other things, sea-denial to the United States. To this end, China recognizes that the US depends upon access to the maritime commons (and Japan) to anchor its strategic position in Asia. China seeks to curtail US power projection by **setting the terms for US access** via application of the Three Warfares.

How the study proceeds

In the **Overview** the study defines the Three Warfares (**PART 1**), considers the impact of China's use of 'lawfare' (**PART 2**) and looks extensively at China's media warfare campaign (**PART 3**) and psychological intimidation as part of psychological warfare (**PART 4**). A key issue is how the Three Warfares threaten US power projection. This is addressed in **PART 5**. During the course of this analysis it became clear that China has incurred certain vulnerabilities in its adoption and implementation of the Three Warfares. These vulnerabilities are addressed in **PART 6.**

Of central interest to the United States is the question of what countermeasures may be effective against the Three Warfares. This is a relatively unexplored area. This study takes initial steps looking at specific practical countermeasures to the Three Warfares in **PART 7**.

In the course of developing possible countermeasures it became clear that an effective strategy for US power projection in the South China Sea and the Western Pacific must build on these countermeasures. This is explored in detail in **PART 8**. The Overview concludes in **PART 9** with a discussion of what the US can expect from the Three Warfares at the ten year mark.

V. OVERVIEW AND ANALYSIS OF THE THREE WARFARES

PART 1: DEFINITION OF THE THREE WARFARES

1.1 Outline and Origins of the Concept

In 2003 the Chinese Communist Party (CCP), Central Committee, and the Central Military Commission (CMC)[15] approved the concept of the Three Warfares – a PLA information warfare concept aimed at preconditioning key areas of competition in its favor.[16] The concept is detailed in Chapter 2, Section 18 of the 'Chinese People's Liberation Army Political Work Regulations'. The US Department of Defense has defined the Three Warfares as the following[17]:

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[15] The CMC is the "supreme leading organ of the armed forces of the People's Republic of China. It directs and commands the national armed forces." http://english.people.com.cn/data/organs/militarycommission.html

[16] Timothy A. Walton. 'China's Three Warfares'. *Delex Special Report.* January 18, 2012. P.4.

[17] Office of the Secretary of Defense. *Annual Report to Congress – Military and Security Developments involving the PRC 2011*. P.26.

1. *Psychological Warfare* – seeks to undermine an enemy's ability to conduct combat operations through operations aimed at deterring, shocking, and demoralising enemy military personnel and supporting civilian populations.

2. *Media Warfare* – is aimed at influencing domestic and international public opinion to build support for China's military actions and dissuade an adversary from pursuing actions contrary to China's interests.

3. *Legal Warfare* – uses international and domestic law to claim the legal high ground or assert Chinese interests. It can be used to thwart an opponent's operational freedom and shape the operational space. It is also used to build international support and manage possible political repercussions of China's military.

Thus, at the most senior levels, the armed forces of the PRC have conceptualised a political warfare campaign composed of three elements with specific and interconnected aims.

Since the 2011 Report to Congress in which the US definitions of the Three Warfares are provided, we have learned more about them and the circumstances in which they may be used. Accordingly, a broader definition of their capacity and application is in order:

Psychological warfare efforts seek to disrupt an opponent's decision-making capacity; it seeks to create doubts, foment anti-leadership sentiments, to deceive opponents and to attempt to diminish the will to fight among opponents. It can use economic boycotts, diplomatic pressure, the harassment of fishing vessels, and the

leasing of oil exploration blocks in areas claimed by other nations, for example, to express displeasure, assert hegemony and convey threats.

Legal warfare (or 'lawfare') has a particularly prominent role in the warfare trilogy. It is both a stand-alone military technology and ready supplier of material for media warfare. Lawfare has a range of applications which extend from conjuring law or using bogus law to inform claims to territory and resources, to employing bogus maps to "justify" claims (most notably the nine-dash line U-shaped line that encompasses approximately 1 million square miles of the South China Sea), to selective use of provisions in UNCLOS and other international legal conventions for specific unintended purposes, to creative distortions of the law in which beach communities are designated provincial cities (Sansha City, Paracels. See Part 2 below) to extend China's administrative writ and power projection into the South China Sea.

Lawfare is a technology designed to justify China's actions as legally valid and cement psychological efforts to create doubts among adversary, neutral military and civilian authorities and in the broader international community about the justification of an opponent's actions. Lawfare is thus an essential component in China's efforts to diminish an opponent's political support and to advance, inform and structure territorial and resource claims.

Analysts identify the instruments of lawfare to include: domestic legislation, international legislation, judicial law, legal pronouncement, law enforcement and legal education[18] -which can be used in combination to inform and shape lawfare operations such as legal deterrence and the imposition of sanctions.

[18] Dean Cheng. 'Winning Without Fighting: Chinese Legal Warfare'. *Heritage Foundation: Backgrounder.* Number 2692. May 21, 2012. P.2

Lastly, media warfare is the key to gaining 'dominance over the venue for implementing psychological and legal warfare'.[19] Analysts have defined media warfare (also known as public opinion warfare) as a 'constant, on-going activity aimed at influencing perceptions and attitudes'.[20] Media warfare leverages all instruments that inform and influence public opinion including films, television programs, books, the internet, and the global media network (particularly *Xinhua* and CCTV) and is both a national responsibility undertaken by the PLA and a local responsibility undertaken by the People's Armed Police. These tools are used to achieve media warfare's goals of: preserving friendly morale; generating public support at home and abroad; weakening an enemy's will to fight and altering an enemy's situational assessment.[21]

The PLA's operational hierarchy of combat is divided into three levels: war, campaigns and battles. Each is informed by its own distinct level of operational guidance: strategy, campaign methods and tactics respectively.[22] The Three Warfares are primarily classed as a campaign method, but with additional application at the strategic and tactical levels. Furthermore, the use of the Three Warfares reflects the PLA's underlying belief that 'war is not simply 'a military struggle, but also a comprehensive engagement proceeding in the political, economic, diplomatic and legal dimensions'.[23]

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[19] Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *Heritage Foundation: Backgrounder* Number 2745. November 26, 2012. P.4
[20] Ibid P.3

[21] Ibid P.4
[22] Timothy Walton. 'Treble Spyglass, Treble Spear: China's "Three Warfares'. *Defense Concepts.* Volume 4, Edition.4. 2009. P.51
[23] Ibid

In the South China Sea, Beijing's use of the Three Warfares has been used to manipulate perception and psychology to condition the operational environment in China's favour. In this respect, 21st Century warfare – where hearts, minds and opinion are, perhaps, more important than kinetic force projection – is guided by a new and vital dimension, namely the belief that whose story wins may be more important than whose army wins. This is especially true if one avoids kinetic engagement altogether. With this in mind we may expect China to use the Three Warfares, to make and support its claims to territory and resources along the South China Sea littoral. Only when these approaches fail and tangible mineral, energy, commercial and geo-political assets are in play, may we expect China to resort to kinetic force. And that may not eventuate if the CMC leadership believes they are confronted by a superior force.

The inclusion of the Three Warfares in the 2003 *Political Work Regulations* – a unique document providing both military and internal Party regulations[24] - represents a departure from past practices. Rear Admiral Mike McDevitt notes that within the PLA, military, political work traditionally focuses on managing the people *within* the PLA and influencing the civilian environment in which the PLA operates to reach the military and political objectives assigned by the Party.[25] The Three Warfares however are *outward* rather than inward looking. This change in perspective may be the function of an external stimulus. For instance, contributors have identified the Three Warfares as a product of PLA analyzes of US military activities in Iraq and Afghanistan between 1991 and 2003. In this vein, the US use of Congress, the UN and the NATO Alliance in establishing the 'legal' right to use force, combined with its ability to shape both domestic and international public

[24] See paper by Rear Admiral Mike McDevitt.
[25] Ibid

opinion via its media outlets, and its psychological efforts to undermine the morale of Iraqi troops---did not go unnoticed.

However while the Three Warfares is a relatively new concept in PLA manuals, the role of perception management has been a staple of PLA activities since at least the 1930s.[26] Professor James Holmes maintains that the Three Warfares are 'entirely congruent with Chinese strategic culture'.[27] Yet despite this congruency it is difficult to locate the concept within *specific* Chinese strategic traditions, which might in fact be a deliberate decision; perhaps, not revealing the sources of the Three Warfares concept makes it more difficult to evaluate.[28] This is again in keeping with Chinese strategic tradition and particularly Sun Tzu's concept of 'formlessness' in *The Art of War.* In the context of victory against a stronger foe, the concept of 'formlessness' is used to prevent an opponent from modeling one's own pattern of actions. To this end, there are two kinds of 'forms' ('hsing').

The **tangible form** refers to one's **military deployment and force configuration**, which is readily detected by the enemy. The **intangible form** refers to the **adaptability and competitiveness of one's system**, which makes it difficult to model. Flexibility and ambiguity, for example, make it more difficult to predict and evaluate one's direction and priorities. By carefully managing the flow of information to your enemy about one's assets and capabilities, one can manipulate his perception to focus on the "tangible" in assessing your war-fighting capacity. Your true capacity—based on the "intangible"—thus remains hidden.

The importance of information in manipulating perceptions and psychology as a means to achieving success in the 'mind game' of war has long been established in

[26] Ibid
[27] See paper by Professor James Holmes.
[28] Ibid

historic Chinese military strategic writings as evinced by Pillsbury.[29] Indeed it was the modern application and success of such techniques as used by the US military in the Gulf that impelled the PLA to refine their political warfare initiatives and operations, and led to the creation of the Three Warfares.

Targeting perception and creating specific psychological approaches raise the question of audience, the answer to which highlights a key purpose of the Three Warfares. Multiple audiences can be identified. In the South China Sea, for example, this campaign method applies to the smaller littoral claimant states where the objective is to undermine the international support they receive while convincing them of China's capacity and political resolve. Secondly, China's domestic population is targeted with messages that not only portray China as the protector of national sovereignty but present China's regional neighbours as acting unlawfully. Thirdly, the United States is targeted as part of China's 'Anti-Access/Area Denial' strategy (discussed in Part 5 below) in order to raise doubts about the legitimacy of the US presence in the Asia-Pacific region and alter the framework for regional activity there. Fourthly, the perceptions and psychology of the international community at large are targeted, in order to reinforce China's position and delegitimize that of the smaller claimants and the US.

1.2 A Concerted Strategy or Signs of Institutional Weaknesses?

Despite the CMC's official approval of the political warfare campaign and more recent efforts to improve coordination, Professor Geoffrey Till (Chapter 6) warns of the dangers of using the Three Warfares as an 'investigative tool'. Till's is a nuanced position. While he acknowledges that viewing the Three Warfares as merely a function of bureaucratic 'bedlam' brings certain dangers, he argues that

[29] Stefan Halper-Michael Pillsbury, on-going discussions 2012-2013.

placing too much emphasis on the analytical value of the Three Warfares concept risks exaggerating 'the extent to which China is following a concerted and comprehensive plan to secure strategic advantage in the East China Sea and South China Sea'.[30] With this caveat in mind, Till continues in the latter vein with the proposition that Chinese policy is a function of 'unresolved choices, dilemmas and inconsistencies'.[31]

There is some evidence that supports the argument that China moves from one crisis to another, presenting a 'constantly shifting and poorly integrated maritime policy'.[32] Till highlights the disparate views within the navy, legal establishment, foreign ministry and those driving economic policy along with more local players such as the fishing community in Hainan with little or no eye on the international consequences of their actions, as causal factors in the tone and policy inconsistency in the East and South China Seas.

Till's view implies the internal dynamics of the relevant bureaucracies and interests indicate that confrontations in the South China Sea (such as the Scarborough Shoal crisis of April 2012), attributed to the heightened use of the Three Warfares, may in fact not be a sign of coherence and strength but rather 'symptomatic of state weakness in the face of growing and increasingly complex demands'.[33] While this view is not widely shared among contributors to this study, it is reflected in the *International Crisis Group's* April 2012 publication 'Stirring up the South China Sea (I)' which identifies the lack of coordination among PRC agencies as due to four related factors[34]:

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[30] See paper by Professor Geoffrey Till.
[31] Ibid
[32] See paper by Professor Geoffrey Till.
[33] Andrew Mertha. 'Domestic Institutional Challenges Facing China's Leadership on the Eve of the 18th Party Congress'. *Asia Policy* Number *14.* July 2012. P.1
[34] 'Stirring up the South China Sea'. *International Crisis Group.* Report I. April 2012. pp.14-18

i. Domestic actors playing a foreign policy role.

ii. Structural weaknesses of the Ministry of Foreign Affairs (MOFA).

iii. Internal divisions within the MOFA.

iv. Lack of legal clarity.

1.1.1. Domestic actors playing a foreign policy role

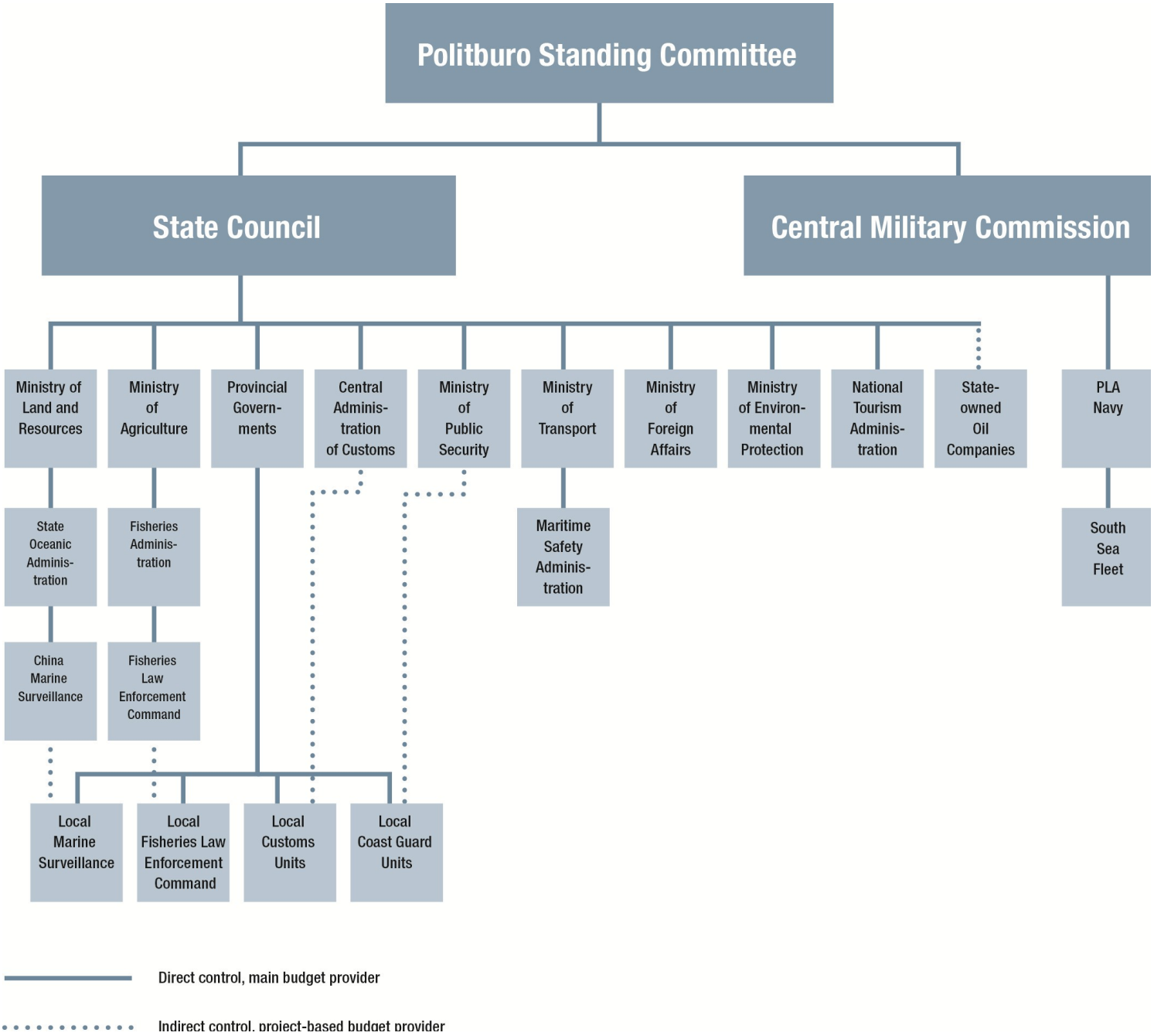
Within China's institutional structure there are eleven ministerial-level government agencies, under which there are five law enforcement agencies plus private actors.[35] Many of these were originally established to administer and monitor domestic policies but now find themselves operating in areas where their actions can have foreign policy implications. With little or no knowledge of diplomatic affairs or foreign policy norms or priorities, they proceed from concerns rooted in 'narrow agency or industry interests'.[36] The most active of these actors in the South China Sea are:

- The Bureau of Fisheries Administration.
- China Marine Surveillance.
- Local governments (particularly in the three coastal provinces of Hainan, Guangdong and Guangxi).
- The People's Liberation Army Navy (PLAN).
- The Ministry of Foreign Affairs (MOFA).

[35] Ibid P.8
[36] Ibid P.14

Figure 1

KEY ACTORS IN THE SOUTH CHINA SEA



Source: Stirring up the South China Sea (I) Crisis Group Asia Report No.223, 23 April 2012, Appendix C, p.40.

The **Bureau of Fisheries Administration (**BFA) is responsible for the China Fisheries Law Enforcement Command (CFLEC), one of the two largest law enforcement forces operating in China's claimed maritime territory[37]. The CFLEC's duties include: the regulation of domestic fishing industry; the safeguard of fishing vessels and the land features, rocks, reefs claimed by China; and the prevention and expulsion of foreign vessels fishing in those regions.[38] Its vessels are therefore used to patrol disputed territory and as civilian, rather than military vessels, seek to ensure that any confrontations remain in the civilian realm as they pursue Chinese claims.

In recent years, the CFLEC has substantially added to its roster of vessels and equipment – increasing the number of well-equipped large patrol vessels and taking on decommissioned PLAN military vessels fishery patrols, which have been conducted with increased frequency.

Moreover, the BFA also has indirect influence and control (in its role as a project-based budget provider[39]) over the South Sea Fisheries Law Enforcement Command, which has been involved in incidents with both Vietnam and the Philippines by sending fisheries patrol boats into disputed fishing areas to safeguard Chinese fishing boats. In the first nine months of 2011, Chinese fisheries patrol boats confronted 22 armed vessels of Indonesia, Vietnam and the Philippines.[40] The lack of sensitivity to foreign policy issues and diplomatic sensibilities by agencies at the front-line of China's response to South China Sea disputes has, not surprisingly, fuelled further concerns and anxieties among China's regional neighbors.

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[37] 'Stirring up the South China Sea'. *International Crisis Group.* Report I. April 2012. P.8
[38] Ibid
[39] Please refer to Figure 1 of the key actors in the South China Sea above.
[40] 'Stirring up the South China Sea'. *International Crisis Group.* Report I. April 2012. P.8

Second, **China Marine Surveillance** (CMS) is the other major maritime law enforcement force and is a counterpart to the CFLEC. The State Oceanic Administration commands the CMS. The CMS has a key role in defending the sovereignty over claimed waters. The CMS has conducted regular patrols of the South China Sea area since 2008, has been a key player in incidents with Vietnam since 2009, and was involved in the 2009 *USNS Impeccable* incident[41] and the more recent skirmish with the Philippines over Huangyan Island/Scarborough Shoal in April 2012.

Thirdly, the actions of the **coastal provinces of Hainan, Guangdong, and Guangxi** have certain foreign policy implications. These provinces place particular emphasis on economic growth.[42] Besides inherited family political power, GDP growth is the most important criteria for advancing in the political system.[43] The expansion of the fisheries and tourism industry in the South China Sea region thus presents itself as a lucrative means towards economic, and by extension, political ends.

Hainan government in particular has been active in its attempts to develop a high-end tourism industry on the Paracel islands (seized by the PRC in 1974) and the Spratly Islands (seized by the PRC in 1976) and their surrounding waters. Both these sets of islands have been theoretically governed by the province since 1988.[44]

The National Tourism Administration has also played a key role in promoting tourism, facilitating local government initiatives by providing the necessary approval for new projects. Such development plans, as China's attempts to demonstrate its sovereignty over and administration of the disputed territories, has

[41] Ibid P.8
[42] Ibid P.10
[43] Ibid P.10
[44] Ibid P.10

been met with strong protest and opposition in Vietnam. This is discussed further in Part 5 below.

Fourth, the **People's Liberation Army Navy (PLAN)** has established a strong naval presence in the South China Sea region with Hainan province proving particularly important in terms of its Yulin Naval Base in the city of Sanya[45], which includes underground facilities for nuclear and conventional submarines and piers for carriers.

The importance of this naval presence is two-fold. First, given China's extensive claims in the area and the recent tensions with other littoral claimants, 'a stronger naval presence helps Beijing project its power to deter other countries from challenging its claimed sovereignty and economic interests'.[46] Thus, while policy dictates that the civilian law enforcement agencies take a primary role, the PLAN's presence serves to demonstrate China's determination and military strength. Further, the PLAN presence underscores China's willingness to support its sovereignty claims in key locations; that impacts other nations' perceptions of China's foreign policy goals.

Second, China's increasing energy demand, its status as an export-oriented economy[47] combined with a reliance on maritime transport has heightened the need to ensure China's access to secure lines of communication (SLOCs). A strengthened naval presence in the immediate vicinity, as reflected in the strengthened South Sea Fleet[48], thus meets both sovereignty-related and geo-strategic goals. This is discussed further in Part 5 below.

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[45] Ibid P.11
[46] Ibid P.11
[47] Andrew Mertha. 'Domestic Institutional Challenges Facing China's Leadership on the Eve of the 18th Party Congress'. *Asia Policy* Number *14.* July 2012. P.5
[48] 'Stirring up the South China Sea'. *International Crisis Group.* Report I. April 2012. P.12

1.1.2. Structural weaknesses of the Ministry of Foreign Affairs (MOFA)

The MOFA is the only agency that has experience of dealing with diplomatic affairs.[49] It is authorized to negotiate with its international counterparts and has an explicit coordinating mandate. Its responsibilities are to provide policy guidance and to monitor the activities of other government agencies in the disputed South China Sea areas to prevent international incidents from occurring, yet the Standing Committee of the Politburo lacks a specific foreign policy coordinator. As the International Crisis Group's report details: 'although it remains theoretically responsible for formulation and execution of Chinese foreign policy, its leadership role, responsibility and authority on most foreign policy issues of strategic significance has been largely bypassed by other more powerful players'.[50]

As such, although the MOFA should be the primary player in the disputes, without the authority or resources to fulfill this role it has been marginalized and side-lined in recent years - relegated to a bystander on issues that are in fact firmly within its remit. There are four main factors for this relegation of the MOFA on South China Sea issues:

1. The MOFA's **structural environment** cripples the agency's ability to advise and coordinate – as nearly all other relevant actors are at the same level of authority[51] and enjoy substantial autonomy. This flat structure thus fosters resistance amongst other agencies to listen and implement any MOFA-advised changes.

[49] Ibid P.12
[50] Ibid P.12
[51] Ibid P.14

2. **Domestic issues still take priority over foreign policy** with domestic actors such as the commerce ministry, finance ministry and state security ministry[52] having more influence than the MOFA.

3. **The PLA is ranked above the MOFA in the bureaucratic hierarchy.**[53] This greatly complicates the MOFA's coordination of policy as it has little direct access to information about military affairs. The extent to which the MOFA is kept in the dark regarding PLA activities is clear as, 'on some occasions the MOFA has been forced to rely on reports from Western diplomats regarding the PLAN's activities'[54] in the South China Sea.

4. **The MOFA is not always thoroughly informed by local actors.**[55] There is the belief among some provinces that foreign policy bureaucrats in the capital will not understand local facts on the ground. For instance, despite the protests by the Vietnamese government about China's development of the tourism industry on the disputed islands, local tourist agencies continued to conduct tours to the Paracel Islands.[56]

1.1.3. Internal divisions within the MOFA

In addition to the structural weaknesses facing the MOFA in terms of its position within China's institutional architecture—there is, for example, no member of the Standing Committee of the Politburo specifically responsible for foreign affairs--the MOFA suffers internal organizational problems. Several of its departments have overlapping roles in managing the South China Sea. For instance, the Asian Affairs Department along with the North American and Ocean Affairs Department

[52] Ibid P.14
[53] Ibid P.14
[54] Ibid P.14
[55] Ibid P.14
[56] Ibid P.14

have a history of dealing with South China Sea issues, yet the Boundary and Ocean Affairs Department (set up in May 2009) is responsible for administering legal matters over territorial claims and providing diplomatic policy guidance to other agencies on maritime issues.[57] As such there is significant intersection of roles and responsibilities.

To further compound the issue, the relatively new Boundary and Ocean Affairs Department is not yet able to lead take on such matters for (as of this writing) it lacks a definitive team structure[58], does not have defined objectives and lacks the authority needed to issue directives to the more established departments.

1.1.4. Lack of legal clarity

The MOFA is further weakened by the ambiguity of exactly what the agency is supposed to be defending or advancing in the South China Sea.[59] This ambiguity stems from the lack of legal clarity about what exactly the nine-dash U-shaped line represents. For instance the MOFA's Boundary and Ocean Affairs Department has the responsibility of consulting legal experts in order to reconcile the inconsistencies between China's domestic laws (i.e. the 1992 of the PRC on Territorial Sea and Contiguous Zone and the 1998 Law of the PRC on EEZ and Continental Shelf*)* and 1982 United Nations Convention on the Law of the SEA (UNCLOS). Thus while the MOFA attempts to explain to embassies that China is using UNCLOS to defend its claims – there remains within the MOFA a lack of consensus and lack of confidence in its ability to defend its claims within existing international law.

[57] Ibid P.15
[58] Ibid P.15
[59] Ibid P.15

Thus until Beijing assigns the issue of how to legally interpret the nine-dash line to China's highest law-making body[60], the National People's Congress, it is likely that this issue, now wrapped in legal ambiguity, will further complicate the MOFA's provision of policy guidance-- and continue to dilute its authority in the foreseeable future.

1.2. **Signs of Increased Coordination?**

Despite the coordination problems that plague the 17 agencies responsible for managing the sea in China, Professor Geoffrey Till's argument that China's policy in the South China Sea is a function of these inconsistencies remains a minority view. In a statement before the House Foreign Affairs Committee, September 2012, Bonnie S. Glaser, Senior Fellow at the Center for Strategic and International Studies, outlined China's behavior in the South China Sea as 'deliberate and systematic'.[61] Glaser maintains that China's actions in recent months, rather than being the 'unintentional result of bureaucratic politics and poor coordination', do in fact suggest 'exemplary interagency coordination, civil-military control and harmonization of its political, economic and military objectives'.[62]

Glaser traces the 'clear pattern of bullying and intimidation of other claimants' as evidence of a 'top leadership decision to escalate China's coercive diplomacy'.[63] The Three Warfares fit firmly within this line of argument, with China's propensity to flout international law, increased willingness to coerce other nations to alter their policies via economic inducements and unwillingness to undertake serious diplomacy to manage and resolve disputes.[64]

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[60] Ibid P.15
[61] Bonnie S. Glaser. 'Bejing as an Emerging Power in the South China Sea'. Statement before the House of Foreign Affairs Committee. September 12 2012.
[62] Ibid
[63] Ibid
[64] Ibid

Furthermore regardless of the *present* lack of coordination among China's maritime agencies[65], more recent announcements indicate coordination will be improved. On March 10, 2013 at the 12th National People's Congress, State Council Secretary General Ma Kai announced *plans to consolidate* China's various maritime law enforcement agencies under a single body in order to 'solve problems related to inefficient maritime law enforcement, improving the protection and utilization of oceanic resources and better safeguarding the country's maritime rights and interests'.[66] Under this plan, the State Oceanic Administration, which oversees and manages China Marine Surveillance, will take over the Maritime Police and Border Control, Fisheries Law Enforcement Command and the Maritime Anti-Smuggling Police.[67]

There are also plans for the establishment of a consultative body in the form of the State Ocean Commission to help formulate strategies for the development of maritime resources. This is in keeping with the on-going civilian status of Chinese maritime activities in the South China Sea in recent years. However, in an interview on CCTV's *Focus Today* March 13 2013, Yin Zhuo, a PLAN Rear Admiral, suggested that the restructured agency would also expand the number of armed law enforcement ships – which presents a departure from past practice in which mostly unarmed civilian patrol vessels have been used.[68]

These new developments indicating an increased number of armed ships (if not military), underscores the importance of establishing rules of engagement and rules

[65] The ad hoc 'Leading Small Group on the South China Sea' chaired by then State Counselor in charge of foreign affairs, Dai Bingguo is said to have met only once and was then disbanded.
[66] Lyle Morris. 'Taming the Five Dragons? China Consolidates its Maritime Law Enforcement Agencies'. *China Brief* March 28 2013.
[67] Teddy Ng. 'China to consolidate maritime security agencies under one body'. *South China Morning Post.* March 11, 2013.
[68] Lyle Morris. 'Taming the Five Dragons? China Consolidates its Maritime Law Enforcement Agencies'. *China Brief* March 28 2013.

governing ‘Order at Sea’. Furthermore the exact role of the Chinese military in influencing the policy of the State Oceanic Administration and coordination remains unclear.

In sum, there appears to be a growing trend towards increased inter-agency coordination in Chinese maritime affairs. Furthermore Professor Geoffrey Till makes clear that viewing the Three Warfares as merely a function of inconsistencies and incoordination brings its own dangers and may lead to serious miscalculation by both the US and China’s neighbors[69], if China does in fact have a game plan. To this end, it is prudent and rational to consider China’s recent maritime actions as indicative of a coordinated, whole-of-government approach—doing so, has the advantage of providing a bulwark against a strategic misstep.

Furthermore when considering the future of the Three Warfares and their implications for Chinese actions in the South China Sea, although Chinese maritime bodies may seem uncoordinated at present, the Three Warfares have proven a powerful military technology uniquely suited to the South China Sea where they have brought success. In this vein, a stark example of what can be expected in the future is China’s administrative upgrade of Sansha City and the construction of a military garrison on Woody Island, as discussed in Part 2.6 below.

PART 2: CHINA AND LEGAL WARFARE

Before addressing China’s application of legal warfare (or ‘lawfare’) in the South China Sea, it is useful to examine the factors that have conditioned its approach to international law. These factors include: the historic traditions of Confucianism and Legalism; China’s Sino-centric view of sovereignty; China’s perceptions of the role and rule of law; and China’s perceptions of how western nations use the law.

[69] See paper by Professor Geoffrey Till.

2.1. Sino-Centric View of Sovereignty

A nation's attitude towards international law stems from its world outlook.[70] China's outlook, like other nations, is conditioned by its unique historical experience. This legacy shapes China's perception of important core concepts contained in international law today, most notably, its distinctive Sino-centric view of sovereignty.

Analysts detail that China's views of international order, legality and legitimacy have been profoundly influenced by its culture and history. Christopher Ford explains that China is perhaps the 'most historically conscious nation on Earth'[71] and that this profound reverence for the past has powerfully conditioned China's approach to basic issues of legitimacy and legality in the international system.[72] The Warring States Period from roughly 475 BC to 221 BC left a profound and enduring impression on the views of China's leaders of the international order and the proper relations among states.

Confucianism, a leading school of thought in this period advanced a monist ideal, which denied that a legitimate international order could rest on the formal co-equality of sovereigns.[73] Under a Confucian system long-term order could only exist under a single ruler. The Confucian ethic presumes that 'there *cannot* be interstate relations in the sense that we conceive of them in the modern west'[74] and that sovereigns cannot ultimately exist alongside each other, co-equal in legitimacy.

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[70] James Li. 'The Impact of International Law on the Transformation of China's Perception of the World: A Lesson from History'. *Maryland Journal of International Law.* Volume 27, Issue 1 P.128
[71] Christopher Ford. *The Mind of Empire: China's History and Modern Foreign Relations.* 2010. P.5.
[72] Ibid P.9
[73] Ibid P.37
[74] Ibid P.37

Christopher Ford identifies the most significant temporary rival of the Confucians during the Warring States period as Legalism.[75] The Legalists focused on the achievement and consolidation of absolute power. Thus despite of the inherent tensions between the two schools of thought, regarding the sources of authority and the nature of governance within the state[76], the Legalists and Confucians shared the ethic of political monism: namely, that the ideal ruler will inevitably acquire universal rule. For Legalist thinkers sovereignty revolved around the idea of 'political purchase'. To be sovereign was to be without equal in political purchase. In this way China conceives sovereignty as indivisible: 'if one had an equal, one was not sovereign'.[77]

China's developing role in the world is thus driven by a deeply entrenched historical worldview.[78] Abstracting from its 5000 year history, China's notion of sovereignty rests on the notion that there can be no equal governing authorities, and that authority, order and virtue flow from a single ruling source which is the sovereign in its realm; thus China's hegemonic instinct in the South China Sea—and perhaps beyond.

Furthermore 'racial pride, and an innate sense of cultural superiority'[79] among the Han people over an extended period have conditioned the Chinese to believe that the role of "hegemon" properly belongs to China. As such, Chinese leaders wish to ensure that all countries in the region 'acknowledge the overlordship of Beijing, and above all [do] not enter into alliances, nor even close friendships, with other powers'.[80]

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[75] Ibid P.49
[76] Ibid P.51
[77] Ibid P.51
[78] Ibid P.4
[79] Ibid
[80] Ibid

It is thus 'crucially important' to understand the historical antecedents of China's conception of international order, legality and legitimacy[81] and thus that China's concept of sovereignty lacks a 'meaningful concept of co-equal, legitimate sovereignties pursuant to which states may exist over the long term in *non*-hierarchical relationships'.[82]The intellectual legacy of China, with a distinct focus on monist political ideology, thus stands in stark contrast to the traditions of the modern European state system and its concomitant concepts of international law.

2.2. Chinese Views of the Role and Rule of Law

In the West, the concept of the rule of law (namely, that the law exists as a 'distinct autonomous entity' and applies to both the ruler and the ruled) is fundamental.

However the two schools of thought that inform Chinese understanding of the law, Confucianism and the Legalist track (with an emphasis on morality and ethics in the former and legal codes in the latter) both view the law as a means of enforcing control over the population. Imperial China viewed the law as an instrument. Not only was the law an 'offensive weapon capable of hamstringing opponents and seizing the political initiative'[83] but the law provided a means by which the authorities could exercise control over the population. China thus experienced rule *by* law not rule *of* law.

Furthermore during the early years of the PRC, Mao's government asserted that the 'law should serve as an ideological instrument of politics'.[84] The CCP has since evolved to view the law as an instrument with which to govern the people rather

[81] Ibid P.12
[82] Ibid P.59
[83] Dean Cheng. 'Winning Without Fighting: Chinese Legal Warfare'. *The Heritage Foundation: Backgrounde*r. Number 2692. March 2012. P.1
[84] Ibid P.1

than as a constraint on its own authority. Thus ‘no strong tradition that held the law as a means of constraining *authority itself* ever developed in China’[85] (emphasis added). With the advent of economic modernization most new regulations have focused on commercial and contract law, while criminal and civil law remains weak and international law virtually non-existent.[86]

Today, law primarily applies to the public not the Party. These views were reflected in Jiang Zemin’s 1996 pronouncement that international law can be used as a ‘weapon to defend the interests of our state’ and also in the PLA operational handbook that advises one not to ‘feel completely bound by specific articles’ of international law.[87]

2.3. Chinese Lessons from the Gulf Wars

China perceives other nations as sharing and operating with this same instrumentalist view of the law and the benefits it can bring. Indeed, China perceives the US as one of the leading practitioners of lawfare. During the First Gulf War of 1991 Chinese analysts noted that not only did the US successfully secure a legal basis for its military operations through United Nations authorization, but also afforded itself a potent lawfare tool in the form of sanctions. Legal arguments were also viewed as the critical components in justifying certain military operations, such as the bombing of the al-Firdos bunker and Iraqi forces.[88]

During the Second Gulf War of 2003, China analyzed that, although the US did not obtain formal authorization from the UN nor the backing of NATO, the US was

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[85] Ibid P.1
[86] Ibid P.3
[87] See paper by Professor Justin Nankivell
[88] Dean Cheng. ‘Winning Without Fighting: Chinese Legal Warfare’. *The Heritage Foundation: Backgrounde*r. Number 2692. March 2012. P.4.

still able to successfully manipulate international law to provide itself with a legal justification for military conflict. This was achieved by portraying Iraq as having violated previous UN resolutions regarding weapons of mass destruction. On the flip side, PRC analysts also noted the successes of Iraq's campaign of legal warfare in preventing the US from acquiring UN approval for its actions.

PRC analyzes highlight the critical importance of combining such lawfare efforts with those of media warfare. For instance, PLA analysts believe that Iraq did not go on to reap rewards (in either military or political terms) from denying UN approval to the US because the US adroitly combined legal warfare and media warfare to thwart Baghdad. The PRC further concluded that the US media warfare campaign against Iraq and particularly Saddam Hussein, succeeded in undercutting Iraqi domestic support for the leadership.

2.4. How to Characterize 'Lawfare'?

The law of the sea has emerged as a key area in which China is seeking to shape international law. To that end, this study gives particular focus to China's interpretations of UNCLOS regarding its rights of sovereignty over the islands and waters encompassed by its nine-dash, U-shaped line and its restrictive interpretation of the provisions relating to the passage of military vessels through its EEZ.

China's distinctive interpretations of the law of the sea are symptomatic of its broader view that ocean management norms must come to reflect 'non-hegemonic, non-American forms of global governance'[89] and it is pushing international law towards understandings of legitimacy grounded in Asian and Chinese values.

[89] See paper by Professor Justin Nankivell.

However before China's push for new understandings of international law can be seen as a distinct strategy of lawfare, the concept of lawfare itself needs to be unpacked and these practices evaluated against orthodox standards of legal validity in international law.[90] Only then can China's strategy for using international law be demarcated as either a legitimate attempt to change rules within international law in a progressive direction for the developing world or an attempt to exploit international law for political and commercial gain.

In his paper 'China's Use of Lawfare in the South China Sea Dispute' (Chapter 8 below), Professor Justin Nankivell advances a characterization of lawfare that involves an *evaluation* of a state's legal intentions when interpreting law in a specific way. Thus the state's actions that are non-compliant with the specific law must be judged on the basis of the motives behind the breach of the law.[91] Professor Nankivell also identifies lawfare has having two different dimensions of application. A *positive* application – which involves using law as a strategic policy choice so that an issue is legalized and outcomes are 'conditioned by legal structures, regimes and dialogues'.[92] A *negative* application of law however involves its 'misuse' – or use of a legal rule for purposes other than those for which it was intended. Importantly, at the strategic level[93], there is no evidence that Chinese analysts and decision-makers view legal warfare as the *misuse* of law. Rather the law is simply another facet in its toolkit to leverage comprehensive national strength in support of higher national goals.

As such, lawfare can be characterized as the 'exploitation' of a legal system, regime or rule[94], not for any productive purpose (such as generating new legal rules

[90] Ibid
[91] Ibid
[92] Ibid
[93] Dean Cheng. 'Winning Without Fighting: Chinese Legal Warfare'. *The Heritage Foundation: Backgrounde*r. Number 2692. March 2012 P.6.
[94] See paper by Professor Justin Nankivell.

or legalizing an issue to help with resolution) but rather as a means towards achieving purely political or commercial ends. The latter thus involves the selective use of law to gain an unfair advantage by not complying with what a legal rule permits or prevents.[95]

2.5. Chinese Lawfare in Action – Legal Layering

China's strategy in using formal international law to justify its claims takes the form of **legal layering.** Leveraging a set of rotating arguments, with several legal justifications in play allows for movement from one legal argument to another should the previous suffer flaws in legal validity. Thus, if one argument fails, others can be swiftly leveraged to create, in the aggregate, an overall plausible legal case.[96]

For instance China uses a combination of: its nine-dash line as evidence of its historic title over the South China Sea area; references to its ancient fishing practices and administrative exercise to show its legal authority over time; and claims of sovereignty over the area's 'relevant waters'. In this way, China establishes a spectrum of claims ranging from the maximal (with the South China Sea being China's historic waters) to the minimal (with China's indisputable sovereignty over all the islands legally entitled to jurisdictional zones).[97]

Contributors maintain that China is committed, if possible, to the maximal claim under the cover of international law. As such China can shift from one layer of argument to the next, while still maintaining a relatively expansive claim to the South China Sea area. The various layers of China's legal approach are evident in its efforts to secure goals relating to the following two critical issues: **territorial**

[95] Ibid
[96] Ibid
[97] Ibid

sovereignty and **the balance of coastal-state and international rights and obligations in the Exclusive Economic Zone (EEZ).**

2.5.1. Territorial sovereignty

Despite claims of sovereignty from Vietnam, Malaysia, Brunei, the Philippines and Taiwan over specific islands in the South China Sea, China claims ‘indisputable sovereignty’ and ‘historic rights’ over 80% of the area. This claim to territorial sovereignty rests on two principal sources: historic maps and domestic legislation. By analyzing its intentions, China’s application of the law with regard to ‘territorial sovereignty’ can be characterized as a negative application of ‘lawfare’. China’s use of historic maps and passage of domestic legislation reveals an attempt to exploit existing conventions as a means to political gain rather than as a justifiable attempt to move international law in progressive directions.

i. China’s use of maps

The nine-dash U-shaped map delimiting China’s proposed maritime boundaries was published in 1947 by the nationalist government of the Republic of China. This map was based on an internal government report prepared in 1935 when many parts marked as within China’s boundary were in fact under foreign control. The Chinese government has to this day failed to outline publicly the exact meaning of the map.

Figure 2

China’s nine-dash U-shaped line in the South China Sea

Source: The Economist. May 19, 2012

The use of this flawed map for political purposes is consistent with other instances of China's self-serving use of historic maps. The application of this strategic tool is summed up in a declassified CIA report as follows:

'It was basic Chinese policy early in Peipings relations with New Delhi not to claim territory in writing or orally, but only on the basis of maps. Thus the Chinese claim to NEFA [North East Frontier Agency] appeared only as a line on Chinese maps dipping at points about 100 miles south of the McMahon line. Chou En-lai,

in talks with Nehru in 1954 and 1956, treated the Chinese maps not as representing Peiping's "claim" but, on the contrary, as old maps handed down from the previous regime which had "not yet" been corrected. This provided the Chinese premier with a means for concealing Peiping's long-range intention of surfacing Chinese claims at some time in the future'.[98]

The comment above provides an historical example of China's efforts to establish territorial sovereignty that has parallels with China's approach to the South China Sea today. In the run up to the Sino-Indian war of 1962, for example, the PRC claimed it never recognized the McMahon Line arguing that the Chinese plenipotentiary at the Simla Conference of October 1913 (during which the boundary line was demarcated) had never signed the treaty.

India held the mutual boundary line to be clearly established and negotiations with Chinese counterparts were deemed to be neither necessary nor proper. China pressured the Indian Government to recognize that the two sides had not agreed on a demarcated boundary. Meanwhile, China attempted to consolidate its control over the disputed territory. In 1956, for instance, China constructed a road from Xinjiang to Tibet through the Aksai Chin, in order to improve existing links to roads within Chinese territory on its own maps – but 112 meters of the 750m long road cut through territory claimed by India.[99]

Thus China sought to undermine India's claims to the area and raise questions about India's administrative control and knowledge of developments in its claimed territory (as only in October 1958 did the Indian Government protest against such a

[98] http://www.foia.cia.gov/CPE/POLO/polo-07.
[99] Cheng Feng, Larry M. Wortzel. 'PLA Operational Principles and Limited War: The Sino-Indian war of 1962'. *Chinese Warfighting: The PLA Experience Since 1949*. 2003. P.178

construction). Thus by consolidating its own position, both politically and militarily, China ensured that it could ultimately negotiate with India from a position of strength. (This may be Beijing's objective in the Senkakus where it hopes to negotiate with Japan for oil drilling rights in the adjacent seabed).

Territorial disputes continue to be at the heart of distrust between India and China today, which is 'growing at an alarming rate'[100], even though economic cooperation and bilateral political and socio-cultural exchanges are at an all-time high. In 2010, for instance, China took its territorial dispute with India to the Asian Development Bank where China blocked India's application for a loan that included money for development projects in the Indian state of Arunachal Pradesh, which China calls 'South Tibet' and claims as Chinese territory.

Harsh V. Pant outlines that the intensification of Sino-Indian frictions in recent years is largely due to 'frequent and strident Chinese claims about the Line of Actual Control in Arunachal Pradesh and Sikkim'.[101] Indians have complained of a large rise in Chinese intrusions along the border in Arunachal Pradesh. China has also denied visas to Indian citizens of Arunachal Pradesh.

These claims are backed up by China's military capabilities. For instance, an estimate by the Indian government's China Study Group, indicates that China now possesses the capability to move over 10,000 troops to the Indian border in twenty to twenty-five days compared to three to six months a decade back.[102] Analysts thus highlight that by 'engaging in repeated, controlled, provocations, the Chinese military is carefully probing India'.[103] China asserts its claims along the border

[100] Harsh V. Pant. China and India: A Rivalry Takes Shape. *Foreign Policy Research Institute.* June 2011. P.1.
[101] Ibid
[102] Ibid P.2
[103] Ibid

with what is termed ‘aggressive patrolling’.[104] Chinese troops have violated the 1993 bilateral agreement on peace and tranquility on the Line of Actual Control by repeatedly harassing and subjecting Indian troops to verbal abuse.[105]

Furthermore Harsh V. Pant details that repeated Chinese incursions into the Finger Area in northern Sikkim represent the PLA’s attempts to put the historically undisputed Sikkim border (which India considered as a settled matter) into play. There PLA troops cross the border and paint obscene messages on rocks, leave feces and in other ways insult and harass Indian soldiers. Similar actions are seen at the tri-junction of Bhutanese territory, with the destruction of Indian Army posts, and also in the non-delineated parts of Bhutan’s northern border with Tibet in an attempt to force Bhutan to settle the boundary issue with China.[106]

Thus, as in the South China Sea, both China’s historical actions against India in the run up to the 1962 conflict as well as its on-going assertiveness over the territorial dispute today, demonstrate China’s desire to put otherwise settled matters back into play and “cartographic aggression” is a useful mechanism with which to do this.

China’s actions to consolidate its political and military power at critical locations indicate its desire for *political* rather than legal action (favoring negotiation not adjudication). However these instances also show China’s willingness to couch its argument in legal terms when laying out its claim to contested territory. Though China has historically used, and continues to use, legal or quasi-legal concepts -such as “administrative jurisdiction”—to bolster its position, it views such disputes as essentially political in nature. This mirrors China’s political decisions to insist on bilateral negotiations in the South China Sea and refusal to submit to

[104] Ibid P.5
[105] Ibid P.5.
[106] Ibid P.5

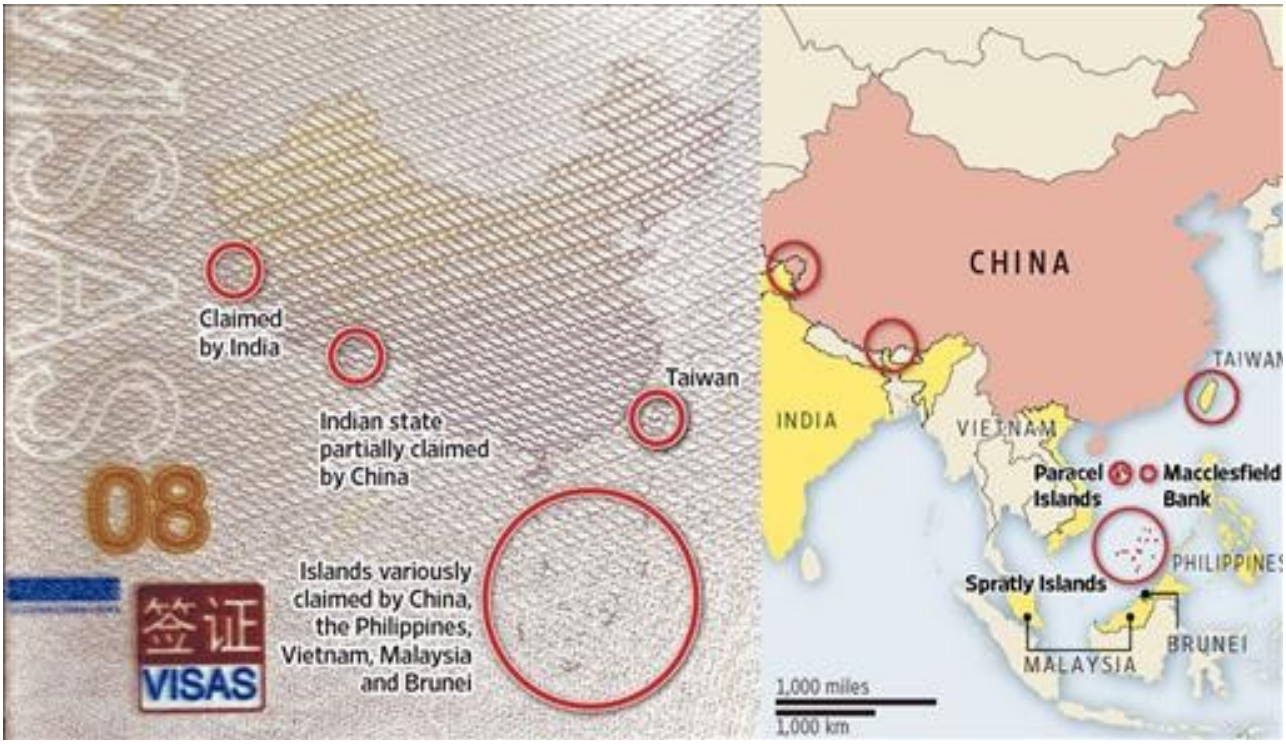
international arbitration while it continues to couch claims in legal jargon – such as" administrative control" over disputed islands as evidenced by the construction of features upon those islands.

More recently China's use of maps stirred further tension. In November 2012 China presented its claim to ownership of the South China Sea and Taiwan on a map embedded in its newly revised passports, as well as China's e-passports. It showed Arunachal Pradesh and Aksai Chin in India's Jammu and Kashmir regions as part of China.[107] Although China's official maps have long included these areas within China's territory, imprinting such maps on the passports of Chinese nationals is disruptive and provocative 'since it requires other countries to tacitly endorse the claims by affixing their official seals to the documents'.[108] This prompted widespread diplomatic protests by the Philippines, India, Taiwan and Vietnam – with the latter's passport control offices refusing to stamp visa pages in the new passport and issuing separate visa sheets to new Chinese passport holders instead.

[107] Mark McDonald. 'A New Map in Chinese Passports Stirs Anger Across the Region'. *International Herald Tribune.* September 25, 2012.
http://rendezvous.blogs.nytimes.com/2012/11/25/a-map-in-chinas-new-passports-stirs-anger/
[108] 'China passports claim ownership of South China Sea and Taiwan'. *Guardian.co.uk* November 23, 2012.
http://www.guardian.co.uk/world/2012/nov/23/china-passports-ownership-sea-taiwan

Figure 3

The map printed in new Chinese passports



The map depicts disputed islands in the South China Sea, Taiwan and areas claimed by India as part of China.

Source: 'China Seeks to Calm Anger Over Passports'. *The Wall Street Journal.* November 28, 2012. http://online.wsj.com/article/SB10001424127887323751104578146700465245848.html

China's 'cartographic aggression' represents another attempt to inject an element of doubt into the ownership of areas that are otherwise considered clearly held by others in hopes that any agreement to negotiate will bring benefits.

ii. The passage of domestic legislation

Domestic legislation such as the 1992 Law on Territorial Sea and Contiguous Zone is used to support China's claim over all of the island groups within the U-shaped line, which includes the Pratas Islands (Dongsha), Paracel Islands (Xisha), Macclesfield Bank (Zongsha) and the Spratly Islands (Nansha). China asserts these islands lie within China's sovereign, historic waters.

However this domestic legislation directly contradicts two UNCLOS provisions: (1) the requirement for straight baselines and (2) the inadmissibility of claims based upon historic use.

First, the conditions that must be satisfied for a coastal state to draw straight baselines along their coasts (including deeply indented coastlines, a fringe of islands along the coast in the immediate vicinity and a sufficiently close link between the water lying within the straight baselines and the land domain of the coastal state, for instance) are not met in China's case.

Second, coastal states may only claim historic waters if three criteria are satisfied: They must demonstrate 'effective exercise of sovereignty' over waters they claim as internal waters; they must demonstrate that this exercise of authority in waters has been continuous for a considerable amount of time; and the coastal state must demonstrate that the claim has received 'general toleration' or 'acquiescence' of other states. As China's claims in the South China Sea are challenged by all other coastal claimants, China's claims cannot be said to meet the criteria outlined by UNCLOS. Given that China is a signatory to UNCLOS, it has thus formally accepted that its provisions be interpreted in 'good faith'.

Moreover the 1998 Law of the People's Republic of China on Exclusive Economic Zone and Continental Shelf asserts China's right to an EEZ from all Chinese territory (namely, all the island groups in the South China Sea are claimed as Chinese territory in the 1992 domestic legislation). So China uses its claim to historic rights over the South China Sea as the basis of its claims over the islands and their waters, and the passage of domestic legislation as the means by which to 'legally' assert jurisdictional control over nearly the entire area within its U-shaped lines of inherently ambiguous maps. In this way Beijing's law provides a 'veneer of legality' as China attempts to change the status quo. [109]

2.5.2. Balance of coastal-state and international rights and obligations in the EEZ

China further challenges international law through its restrictive interpretation of UNCLOS provisions regarding the innocent passage of foreign warships and conduct of military activities in a coastal state's EEZ. Here we see a clash of two deeply held notions of sovereignty: China's Sino-Centric view of sovereignty vs. the Western concept of freedom of navigation and passage in the maritime commons as codified in UNCLOS.

In international law a careful compromise has been struck between the interests of coastal states in managing and protecting ocean resources and the interests of maritime user states to ensure high seas freedom of navigation and over-flight, including for military purposes. User states are thus entitled to conduct military activities in the EEZs of coastal states, with freedoms including the collecting of intelligence and military surveillance.

However by making the distinction between 'passage' and 'navigation' Chinese officials are asserting that there is no objection to the passing of US navy vessels

[109] See paper by Professor Justin Nankivell

through China's EEZ while transiting to other destinations, but when such vessels conduct intelligence-gathering activities it is China's view that this constitutes a violation of international law and China's domestic law. To this end, China seeks to change international norms concerning freedom of navigation for military purposes and thus change the balance of coastal state and international rights in coastal zones.

Beijing has expressed displeasure in the current situation in a number of ways. China's maritime surveillance ships have cut the cables of Vietnamese oil exploration ships conducting seismic surveys within Vietnam's 200 nautical-mile EEZ in May and June 2011, and the PLAN has announced that combat-ready naval and aerial patrols would be dispatched to the Spratly Islands to 'protect national sovereignty and security development interests'[110] in June 2012.

China propagates its restrictive interpretations of international law via its state-owned media outlets – demonstrating the importance of using the warfares in combination. For instance, in a recent *Xinhua* article dated February 22nd 2013, in response to the comments of Japan's Prime Minister Shinzo Abe regarding China's 'deeply ingrained' need to challenge neighbors over territory, Chinese Foreign Ministry Spokesman asserted that China carries out normal maritime activities in accordance with domestic and international law, and 'thus, navigational freedom and security in the East China Sea and South China Sea have never been affected'.[111]

China thus asserts the status quo has remained unaffected in public pronouncements while employing its set of rotating arguments to "justify" China's

[110] Bonnie Glaser 'Beijing as an Emerging Power in the South China Sea'. *Statement before the House Foreign Affairs Committee.* September 12, 2012.
[111] Hou Qiang. 'China makes strong representations with Japan over Abe's comments'. *Xinhuanet.com.* February 22, 2013. http://news.xinhuanet.com/english/china/2013-02/22/c_132185907.htm

increasing material maritime presence—creating new facts on the ground –in the South China Sea. Perhaps the main reason China can assert the status quo remains unaffected and freedom of navigation in the South China Sea is 'obviously not hindered'[112] is *precisely because* the US Navy has continuously exercised its rights, freedoms and uses of the seas in order to preserve them under international law.[113] Thus, using the Three Warfares in tandem allows China to present its challenge to the law of the sea via lawfare while rhetorically assert that freedom of navigation remains 'unhindered'– thus using US 'interference' to its advantage.

China's efforts to achieve its objectives relating to territorial sovereignty and the passage of warships through its EEZ contributes substantial evidence to the claim that China does not accept the international law of the sea, but rather seeks to rewrite them with substantive disconnects between what the law says and what China desires it to say. Analysts argue that if China is permitted to ignore the realities of international law regarding the ordinary meaning, context and intent of UNCLOS provisions, then nothing prevents other nations from 'emulating China's rhetorical approach of selective compliance in the name of imperfections, drawbacks, or shortcomings, potentially undermining almost ten years of extensive multilateral negotiations and possibly jeopardizing the UNCLOS regime'.[114]

Furthermore, and deeply disturbing, this approach could be applied to other areas of international law and perhaps be indicative of a more general movement towards the rejection of the post-World War II legal architecture that has administered global affairs for over half a century.[115] The manifestation of China's instrumentalist view of the law, in the form of its manipulation of the law to suit its

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[112] Foreign Minister Yang claimed in response to Secretary Clinton's remarks in July 2010

[113] Jonathan G. Odom. 'A China in the Bull Shop? Comparing The Rhetoric of a Rising China with the Reality of the International Law of the Sea'. *Ocean and Coastal Law Journal.* Volume 17, Issue 2. 2012. P.229

[114] Ibid P.245

[115] See paper by Mr. Timothy Walton.

needs in the South China Sea, is, perhaps, only a snapshot of a more radical challenge to global administration. Such a challenge may be leveled, in particular against legal and institutional arrangements that mitigate towards continued western dominance in organizations ranging from the WTO to the UN, to the World Court, to World Bank.

However, the aim of this paper is not to generate alarm. China might not, in fact, seek to completely overhaul established regimes and norms but rather gradually set a new precedent[116] that reflects its role as a 'law-maker' rather than a 'law-taker'.[117] Such an interpretation is not uncommon in policy circles and as such must be given due consideration.

2.6. An Example for the Future? Creative Lawfare

A particularly pertinent example of China's very creative use of the law and evidence of a coordinated, whole-of-government attempt to consolidate control over disputed South China Sea islands and increase regional influence is the Sansha garrison. In June 2012 the Chinese State Council upgraded Sansha (a community on Woody Island in the Paracels) to the status of a prefecture-level city. This upgrade gave Sansha's local government the authority to administer the Paracels, Spratlys and Macclesfield bank and their surrounding waters in the South China Sea.

Later in July 2012, the CMC approved plans to establish a military garrison on Sansha, with the division level command (under the Hainan provincial subcommand of the PLA) given responsibility for managing the city's national defense mobilization, military reserves and direct military operations.[118]

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[116] Ibid

[117] See paper by Professor Justin Nankivell.

[118] Oriana Skylar Mastro. 'The Sansha Garrison: China's Deliberate Escalation in the South China Sea'. *East and South China Seas Bulletin 5. Center for a New American Security.* September 2012. P.2.

Despite this upgrade, however, the military garrison has minimal operational value as Woody Island has the bare minimum facilities needed to operate as a forward base. To support fighter aircraft, for example, significant upgrades would be required in naval and air infrastructure to allow sustained operations.[119] As such, the significance of China's establishment of Sansha city should not be seen in terms of military enhancement but rather as an example of creative lawfare.

A small beach village thus acquired a new status designed to support China's regional claims. As a new Provincial level city of Hainan Province, Sansha got a mayor, three deputy mayors, an eleven member city council and a military garrison; China, in effect, extended a province into the midst of the South China Sea.

The development of the Sansha garrison has been identified by analysts as a 'coordinated and deliberate' action suggesting top-down direction from the Politburo Standing Committee of the CCP, with the CMC, State Council and PLA all involved in the upgrade decision.[120] Sansha city thus provides important evidence against the proposition that China does not have a concerted and integrated campaign plan for the South and East China Seas and in fact simply bounces from crisis to crisis in a long and difficult process of sorting out its legal position.[121] Instead, the coordinated whole-of-government decision to upgrade Sansha's authority can be seen as a reaction to Vietnam's passage of a national law of the sea, which included the disputed Paracels and the Spratlys in its definition of national waters. Further evidence to support this is the fact that, two days before

[119] Ibid
[120] Ibid P.2.
[121] See paper by Professor Geoffrey Till.

the garrison announcement, the largest fleet of Chinese fishing vessels to ever set sail left Hainan Island for Zhubi Reef (in the Paracels), escorted by the PLAN.[122]

Thus while inter-agency problems have inhibited coordination at times, (as highlighted in Part 1.3. above) Beijing's actions in the Sansha matter provide a stark example of a coordinated response to regional neighbors who challenge China's claims to natural resources in the region. The establishment of a military garrison on Sansha city provides policy-makers with a unique insight into how legal warfare may be applied in the future, if all Chinese government agencies are bound together through action and purpose to secure South China Sea claims against regional counter-claims.

The role of the Chinese-state owned oil giant, China National Offshore Oil Company (CNOOC), in the Sansha city episode (with CNOOC announcing it was opening nine oil fields in the vicinity for bidding at the same time as the upgrade in administrative control shows impressive 'whole of government' coordination and further reflects China's legal interpretation of 'sovereign territory'. Wang Yilin, Chairman of CNOOC, reportedly told an audience at CNOOC headquarters in Beijing in May 2012 that large-scale deep-water rigs are 'our mobile national territory and a strategic weapon'.[123] The deep-water rig in question is the semi-submersible Haiyang Shiyou 981 (known as HYSY 981) launched in May 2012, which would give China access to all but the very deepest seabed areas within the nine-dash line.

There is nothing in the Law of the Sea, however, that recognizes such platforms or structures as sovereign territory, even though they are owned by the states that

[122] Oriana Skylar Mastro. 'The Sansha Garrison: China's Deliberate Escalation in the South China Sea'. *East and South China Seas Bulletin 5. Center for a New American Security.* September 2012 P.3.
[123] Martin Murphy. Deepwater Oil Rigs as Strategic Weapons. Naval College Review. Spring 2013. Vol 66. No.2. P.110

constructed them. As such it seems that 'Chairman Weng's language suggests that China intends using CNOOC platforms slowly to wrest control of offshore areas by creating an ambiguous political-legal aura of authority and control'.[124] With China's invitation of tenders for oil and gas exploration blocks in disputed waters off Vietnam's coast in mind, combined with China's interpretation of international law and a possible perception of oil rigs playing some sort of strategic role, such a strategy could be applied in more distant waters where China has similar natural-resource interests[125], such as emerging oil and gas provinces off East Africa.

One important possible future scenario is CNOOC's recent acquisition of a large Canadian energy company, Nexen, in a deal worth US$15.1 billion in February 2013[126]. Even though the Canadian government approved the takeover, as Nexen has assets in the Gulf of Mexico, US regulatory approval was required. Analysts have noted that it is arguable that China is in fact overpaying for such a deal, with a 60% premium over the pre-deal stock price.[127] However given that Nexen has deep-water extractive technology that could help CNOOC in the South China Sea and elsewhere it would allow the Chinese-state owned oil giant to speed up the rate at which it maximizes the return on its investment in HYSY 981. Furthermore, the Nexen acquisition gives CNOOC new offshore production in the North Sea, the Gulf of Mexico and off western Africa, as well as producing properties in the Middle East and Canada. In Canada, CNOOC gains control of Nexen's Long Lake oil sands project in the oil-rich province of Alberta, as well as billions of barrels of

[124] Ibid
[125] Ibid P.112
[126] Euan Rocha. 'CNOOC closes $15.1 billion acquisition of Canada's Nexen'. *Reuters.com.* February 25, 2013. http://www.reuters.com/article/2013/02/25/us-nexen-cnooc-idUSBRE91O1A420130225
[127] Martin Murphy. Deepwater Oil Rigs as Strategic Weapons. Naval College Review. Spring 2013. Vol 66. No.2. P.112

reserves in the world's third-largest crude storehouse - the oil sands in the province of Alberta.[128]

Thus Chinese lawfare efforts that leverage all assets available to the government, from mobilizing large swathes of local Chinese fishing vessels to securing natural-resource interests through the agency of CNOOC, present the Chinese with significant pay-offs and the US with significant problems. For instance, US approval of the Nexen acquisition could have important implications for US credibility and role in the region if Southeast Asian allies perceive the US as essentially facilitating the installation of Chinese 'strategic weapons' (in the form of oil-rigs) in waters over which they previously had valid claims.

[128] Euan Rocha. 'CNOOC closes $15.1 billion acquisition of Canada's Nexen'. *Reuters.com.* February 25, 2013. http://www.reuters.com/article/2013/02/25/us-nexen-cnooc-idUSBRE91O1A420130225

PART 3: CHINA AND MEDIA WARFARE

3.1. Unpacking the Concept of Media Warfare

Given Joseph Nye's insight that 21st century conflicts are less about whose army wins and more about whose story wins, Chinese media warfare efforts are of core importance in promoting the Chinese story. Media warfare thus refers to the 'use of various information channels, including the internet, television, radio, newspapers, movies and other forms of media, in accord with an overall plan and defined objectives to transmit selected news and other materials to the intended audience'.[129] The goals of media warfare have been identified as follows[130]:

1. Preserve friendly morale.
2. Generate public support at home and abroad.
3. Weaken an enemy's will to fight.
4. Alter an enemy's situational assessment.

To achieve these objectives Chinese strategists describe 'Four Pillars of Media Warfare'.[131] PLA/CCP leaders make the following four points:

1. **Follow top-down guidance.** Media warfare efforts must be consistent with the larger national strategy as outlined by senior leaders (namely, the CCP Committee and the CMC) and must follow high- level guidance on content and timing of release.

[129] Dean Cheng. 'Winning without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder.* Number 2745. November 26, 2012. P.3
[130] Ibid P.4.
[131] Ibid P.4.

2. **Emphasize pre-emption.** Timothy Walton maintains that the first to broadcast gains the advantage of dominating the airwaves, framing the debate[132] and defining the parameters of subsequent coverage. The PLA utilizes such opportunities to 'underscore the justice and necessity of its operations, accentuate national strength, and exhibit the superiority of its forces'.[133] In addition, the PLA attempts to undermine an opponent's will to resist.

3. **Be flexible and responsive to changing conditions.** Operations must remain flexible and adjust to political and military circumstances. Specific operations must be tailored to address specific audiences –whether political audiences or global publics.

4. **Exploit all available resources.** Combine peacetime and wartime operations to pursue civilian-military integration and military and local unity in order to leverage both civilian and commercial assets (such as news organizations, broadcasting facilities and internet users for instance) in a comprehensive media warfare campaign.

These four pillars of media warfare generally apply to both offensive and defensive circumstances. The offensive component correlates with pillar two which emphasizes pre-emption to establish advantage.

The defensive component is used to counter an opponent's media warfare efforts. A defensive campaign thus involves using news outlets to ensure that the domestic population is not exposed to messages proliferated by China's opponents or that such messages do not take root, or find sympathy, within the public psyche.

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[132] See paper by Mr. Timothy Walton.

[133] Dean Cheng. 'Winning without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder.* Number 2745. November 26, 2012. P.4.

Defensive media warfare thus needs to be prompt in issuing credible responses to an opponent's criticisms.[134]

Peter Mattis considers Chinese media warfare from an incident specific viewpoint. He describes PLA/CCP objectives and operations in an unfolding crisis as follows: [135]

1. **Establishing China's Version of the Incident.** This occurs at the very beginning of each crisis, where Beijing issues statements in order to establish the Chinese position on exactly what happened.

2. **Statement of Principles for Resolution of the Incident.** These principles will usually be pointed to by Chinese officials at the start of any negotiations as setting the parameters for the discussions to come and as the benchmarks for a minimally-acceptable resolution that meets Beijing's commitments to the Chinese public.[136] In this way the Three Warfares are used to broadcast a public statement of China's commitment to certain principles, which are for consumption by both foreign and domestic audiences.

3. **Shut Down Unofficial but Normal Information Channels.** Here the leadership attempts to establish information control and dominance of the media airwaves in order to continuously frame and shape the ensuing debate. US interlocutors often complain that their Chinese counterparts refuse communication, including via personal channels, once a probable crisis begins.[137]

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[134] Ibid P.5
[135] Ibid P.3
[136] Ibid P.3
[137] Ibid P.4

4. **Emphasize Beijing's Commitment to the US-China relationship.** By firmly expressing its own commitment to bilateral relations China implies that Washington does not take the relationship as seriously and is to blame for any potential damage to relations. The crisis thus encompasses Beijing's attempt to make the crisis a testing point of US good will and intentions.

We now turn to the EP-3 incident in 2001 and the 2009 *USNS Impeccable* incident to see how these concepts have been applied.

3.2. The EP-3 crisis, April 2001

On April 1 2001, a Chinese J-8II fighter intercepted a routine US Navy EP-3 reconnaissance flight roughly 70 nautical miles off Hainan Island – a Chinese province that houses several important PLAN and PLA Air Force facilities in the South China Sea. After closing within three to five feet on a number of occasions the two planes collided, damaging the EP-3's engines and nose cone. The Chinese plane subsequently crashed into the sea; the body of the plane's pilot Wang Wei was not recovered.

The EP-3, having requested an emergency landing, but receiving no response, landed at the military airfield at Lingshui, Hainan Island in accordance with international procedures relating to un-authorized landings under emergency circumstances.[138]

The EP-3 crew was subsequently taken into custody by PLA officials for twelve days and the EP-3 plane examined by Chinese authorities and returned to the US in pieces on July 3rd 2001. The Chinese then submitted a claim for reparations totaling $1 million from the US for the cost of keeping the EP-3 aircrew for the twelve day period.

[138] Account of events taken from paper by Mr. Peter Mattis.

The US and the PRC have distinct versions of the EP-3 incident. The only detail upon which there is agreement is that the collision occurred in the airspace over China's EEZ. Prior to the collision both sides had filed official complaints. The US complaint centered on aggressive PLAAF tactics when encountering US surveillance planes, while China's complaint focused on the increased frequency of US surveillance flights over China's EEZ. Media warfare tactics were evident as China advanced its version of events. The EP-3 incident is a clear example of a perception management campaign in which China sought to avoid blame and to label the US the aggressor.

Analysts have advanced six deception elements[139] routinely present in perception management campaigns:

1. **Manipulation of pre-existing beliefs -** rather than the more complex process of trying to alter pre-existing beliefs by presenting false evidence, manipulating those beliefs towards one's own interpretation of them and making clear the implications of the altered focus can bring greater benefits.

2. **Concept of conditioning –** the gradual presentation of information is more likely to be effective in altering an opponent's perception over time.

3. **Use as much accurate information as possible** – the use of factual information is more likely to influence an opponent.

4. **Use feedback mechanisms** - to determine if the perception management campaign is working and having the desired results.

5. **Closely monitor effects –** to identify and eradicate any unwanted side effects of the perception management campaign.

[139] Taken from a 1980 CIA deception research programme described in Peter Callamari & Derek Reveron. 'China's Use of Perception Management'. *International Journal of Intelligence and Counterintelligence*, 16, 2003. P.3.

6. **Overall design** – the placement and presentation of material needs to be mapped out prior to implementation as timing and flow of information to the adversary is critical.

Each of these is seen in China's treatment of the **EP-3 incident** and can be grouped into three categories.

1. Frame the debate through the **manipulation of information** and the **conditioning process**.

China's manipulation of pre-existing beliefs and the on-going conditioning process is evident in its use of the thematic frames of sovereignty and hegemony. China presented the EP-3 events in the broader context of the global balance of power and the 'threats' posed by US primacy to China. By incorporating reference to US, *hegemony* into its news coverage of an event of global interest, China was able to reinforce its contention that the US had encroached on Chinese sovereignty.

One analysis found that over 26% of the 144 articles examined from Chinese news outlets made reference to some form of the word 'hegemony'.[140] The same study found that variations of the term 'hegemony' and 'sovereignty' appeared in just 5% and 15% respectively of the 147 articles examined from US media outlets (namely, *The Washington Post* and *The New York Times).* This highlights the contrasting frames of reference used by Chinese and Western media outlets – with the former opting for thematic and the latter for episodic.[141]

Themes of US hegemony featured heavily during the second week of Chinese media reports. In many of its headlines *Xinhua* referenced the support and backing of different global media outlets – including those from United Arab Emirates,

[140] Steven Hook and Pu Xiaoyu. 'Framing Sino-American relations under stress: A Re-examination of News Coverage of the 2011 Spy Plane crisis'. Asian Affairs: An American Review, 33:3. 2006. P.173
[141] Ibid P.173

Russia, Tanzania, Canada, Cuba, Iran, Tunisia, Pakistan, Cambodia, Spain, Greece, Iraq, Syria, Nigeria, Egypt, Bangladesh, Lebanon and Sudan.[142]

In this manner China's media warfare served to reinforce psychological warfare effects in an apparent attempt to create the impression that the Chinese government was supported by a host of global players and thus enjoyed wide support in the international community. (In fact, a minority of governments and news organizations supported the PRC position.)

A major focus of Chinese news coverage was the death of the pilot, Wang Wei. *Xinhua* and *The People's Daily* provided details of the unsuccessful rescue effort and featured stories on the pilot's distraught family. The use of media was thus instrumental in rousing nationalist emotion on how 'US hegemony' impacts civilian families, the military and national security.

In contrast, the US coverage used two prominent episodic frames: firstly, the collision as an *accident* and secondly, a focus on the *diplomatic process* after the collision – with US newspapers emphasizing the implications of a 'diplomatic rupture for future cooperation between the two world powers'.[143]

2. **Maintain the frame of the debate: Carefully time the release and flow of information**.

[142] Peter Callamari & Derek Reveron. 'China's Use of Perception Management'. *International Journal of Intelligence and Counterintelligence*, 16, 2003. P.9

[143] Steven Hook and Pu Xiaoyu. 'Framing Sino-American relations under stress: A Re-examination of News Coverage of the 2011 Spy Plane crisis'. Asian Affairs: An American Review, 33:3. 2006. P.174

Decisions relating to the timing and flow of information are clearly seen in China's media strategy regarding the EP-3 incident. PRC authorities sought to use "factual information" to influence the US by controlling the flow of information from the detained air crew for twelve days and by preventing communication with a US representative for three days after the collision. Peter Mattis indicates that this gave China early control over the news flow and helped to shape subsequent media coverage.[144]

Creating a monopoly on information allowed the Chinese to obtain maximum impact through placement and presentation when it was released. For instance, China did not release any media reports until 48 hours after the collision, presumably taking time to formulate its message while denying access to the detained US crew and wreckage. In crises situations, we may assume that China will control foreign access to senior officials so that the US media is forced to rely on Chinese official state press for information.[145]

3. **Monitor the effects** of the perception management campaign.

During the EP-3 crisis China was able to determine whether its perception management campaign was working by using western media outlets as feedback mechanisms. For instance, to demonstrate the effects of China's perception management campaign during the crisis and its impact upon the US media, analysts compared the coverage of *The New York Times* and *Xinhua General News Service* – using 99 articles from the former and 88 from the latter, coding each headline from 1st April 2001 to 20th November 2001 as either pro-US, neutral or

[144] Peter Callamari & Derek Reveron. 'China's Use of Perception Management'. *International Journal of Intelligence and Counterintelligence*, 16, 2003. P.3
[145] See paper by Mr. Peter Mattis.

pro-China.[146] This analysis presented two hypotheses, which can be formulated as follows:

- Hypotheses 1. If *The New York Times* shifted coverage from pro-US to pro-China, then the perception management campaign was working.
- Hypotheses 2. If *Xinhua* printed a pro-China story and *The New York Times* carried that story within two days, then the perception management campaign was working.

In summary the findings were as follows:

- *The New York Times* carried 16 articles that were pro-US, 52 neutral articles and 31 pro-China articles
- *Xinhua* carried 1 article that was pro-US; 38 neutral articles and 49 pro-China.[147]

Both Chinese and US media outlets were inundated with pro-China articles that heavily outweighed those in favour of the US position.

Another important metric indicating the success of China's perception management campaign, is the use of *terminology* in media reports. For instance, before *Xinhua* began to publish articles (namely, in the two-day period directly after the collision) *The New York Times* articles referred to the EP-3 as the 'plane' in headlines. However once *Xinhua* articles had begun to circulate with references to themes of US espionage and hegemony, *The New York Times* adopted the Chinese-preferred term of reference, namely, 'spy-plane'.

Thus, regardless of the fact that the US aircraft flew in international airspace with a filed flight plan, engaged in overt reconnaissance and landed in China in

[146] Peter Callamari & Derek Reveron. 'China's Use of Perception Management'. *International Journal of Intelligence and Counterintelligence*, 16, 2003 P.6.
[147] Ibid P.7.

accordance with international law, which permits planes in distress to land without obtaining prior clearance – the Chinese were able to leverage the thematic frames to skew media reports in their favour through methods as simple as the purposeful selection of terms.

The relatively porous US media stands in stark contrast to the impenetrability of Chinese outlets. As such a 'cross-pollination' of ideas and terms goes only one way – with US outlets propagating Chinese frames of reference and terminology while Chinese outlets stick firmly to official frames that painstakingly reflect the party line.

This one-way transfer of terms provides Beijing with advantages in yet another dimension according to Philip Towle and Peter Mattis. Towle and Mattis, in separate papers, outline the willingness of many foreign media outlets to present single-sourced Chinese explanations of events as having the same validity and gravitas as multiple-source Western explanations. Western media organizations, determined to provide objective reportage and having only one Chinese source, are often trapped into falsely presenting the two versions as 'equivalent'. Readers and viewers are left to determine whether the Chinese story has the same merit as the US version of events. Meanwhile, the facts, themselves, 'remain unclear'.[148]

Thus, China oversees and crafts its perception management campaign by framing the debate; managing the timing and content of information; and managing both desired and unwanted effects.

Drawing on the EP-3 incident, China's media warfare effort framed the crisis around an alleged US violation of international law. The PLAAF's actions were presented as a justifiable response to an illegal action.[149] By formulating the crisis

[148] See paper by Mr. Peter Mattis.
[149] See paper by Mr. Peter Mattis

in this way, Beijing sought to shape acceptable US responses, place the onus for action on Washington and persuade international audiences that China was, in fact, the victim. This reflects both China's use of such crises to 'test' the effectiveness of its Three Warfares campaign and to test international reaction to its sovereignty claims.

3.3. **The USNS *Impeccable* Incident – March 2009**

In March 2009, the surveillance vessel USNS *Impeccable* was conducting mapping operations in the South China Sea, approximately 80 nautical miles from China's coast and inside China's declared EEZ. On March 6, a frigate crossed the *Impeccable's* bows at 100 yards distance; this was followed by a series of passes at 100-300 feet by a Y-12. The frigate then crossed the *Impeccable's* bows again, this time at 400-500 yards away.[150] The intentions behind the frigate's actions were never indicated. The next day, a Chinese naval intelligence gatherer (AGI) made contact with the *Impeccable* via VHF to declare the *Impeccable's* actions as illegal and directed the vessel to exit the area or 'face the consequences'.[151]

On March 8, while the *Impeccable* was conducting a routine hydrographic survey in China's EEZ it was again approached, this time by five Chinese state vessels including those belonging to the PLAN, the Bureau of Maritime Fisheries, and the State Oceanographic Administration as well as two civilian trawlers.[152]

Contributors maintain that the presence of such a cross-section of Chinese state vessels indicates the approach was both pre-planned and an inter-agency event.[153] After several close encounters requiring *Impeccable's* crew members to turn fire

[150] See paper 2 by Rear Admiral James Goldrick.
[151] Ibid
[152] See paper by Mr. Peter Mattis.
[153] Ibid

hoses on Chinese personnel aboard the fishing vessels, the *Impeccable* withdrew temporarily from the area. *Impeccable* returned to the area the next day under the escort of a guided-missile destroyer, the USS Chung-Hoon (DDG 93).

The degree to which the Three Warfares were deployed in a pre-determined manner is not clear in this incident.[154] Given the operating area of the *Impeccable* and its proximity to the PLAN facilities located on Hainan Island, contributors believe that China's opposition to foreign naval activities within its EEZ became an urgent matter for the South Sea Fleet Command. At issue was the ability of the PLAN to protect its submarine 'entry and departure schedules, procedures and local exercises, as well as minimizing any American understanding of the nature of the operating environment'.[155]

However rather than presaging a broader campaign to strengthen China's control of its EEZ, or to take direct action against the US Navy to make a point, Rear Admiral Goldrick believes the Chinese precipitated the *Impeccable* incident in response to a specific operational problem or even a specific sensitive PLAN operational event. Furthermore, while the action is believed to have been planned and coordinated among the agencies at the regional level, there is some question about whether the action in fact had approval from Beijing.[156]

Nevertheless the *Impeccable* incident provided a springboard from which Chinese media warfare efforts could again be used to elaborate and reinforce China's complaints about 'illegal' US reconnaissance missions in its EEZ. Beijing sought to use the *Impeccable* incident to advance its 'peaceful use only' interpretation of

[154] Ibid
[155] Ibid
[156] Ibid

other nations' rights within China's EEZ. With civilian fishing vessels taking the lead in the incident and confronting a US Naval vessel, the implication was that the US was interfering with the lawful activities of Chinese flag fishing vessels.[157]

Thus by attempting to cut the *Impeccable's* towed array the Chinese were attempting to draw attention to the 'illegality' of its use. Not only had the US vessel failed to acquire prior coastal-state approval for its actions but, according to the MOFA, efforts to gather militarily relevant information within China's EEZ violated the legal meaning of 'peaceful purposes'.

Thus Beijing would advance its notion of sovereignty, yet again, by encroaching upon the concept of 'peaceful purposes' and defining coastal mapping exercises as an illegal military operation. This, of course, invites the question of what, exactly, constitutes a military exercise and what does not. It is appropriate to point out that China is not alone in this view. For instance, during the negotiations preceding the adoption of UNCLOS, a few states unsuccessfully attempted to restrict military activities and other high seas freedoms in the EEZ. Analysts indicate that over the years additional states have enacted express restrictions on military activities in the EEZ, with Thailand becoming the latest state to adopt this view upon its ratification of UNCLOS in May 2011.[158] However while a number of other nations take this position they remain in the minority and are not supported by UNCLOS law.

Furthermore at the time of the incident Foreign Ministry spokesman Ma Zhaoxu stated: 'The US Navy ship Impeccable broke international law and Chinese laws and regulations…The US claims are gravely in contravention of the facts and unacceptable to China'. In addition, he explained, 'the UN Convention on the Law

[157] Ibid

[158] James W. Houck. 'Alone on a Wide Wide Sea: A National Security Rationale for Joining the Law of the Sea Convention'. *Penn State Journal of Law & International Affairs.* Volume 1, Issue 1. April 2012. P.7.

of the Sea, the Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China, and the Regulations of the People's Republic of China on the Management of Foreign-related Marine Scientific Research, have clear regulations on foreign vessels' activities in China's exclusive economic zones'.[159]

Here the media's repetition of official statements allowed China to underscore its claim that its domestic laws had primacy in international waters and that its actions towards the USNS *Impeccable* were simply a normal part of the state's operations and that, in fact, no *international* incident had occurred.

3.4. Conclusions

China's media warfare operations can be expected to contain the following familiar themes in order to convey the following main messages:

- The US does not respect Chinese domestic law.
- The US is to blame for the incidents such as *Impeccable* and the *EP-3.*
- Such incidents are domestic matters and within the remit of China's domestic law enforcement and thus not a matter for diplomacy or international discussion.[160]
- The US does not value its bilateral relationship with China.

Much of the current tension is rooted in China's archaic notion of sovereignty and the claims flowing from it. This is evident across the spectrum of Chinese official statements. Wang Dengping (political commissar of the PLAN Armament Department) speaking at the National People's Congress, for example, stated that

[159] See paper by Mr. Peter Mattis.
[160] Ibid

'it is our sovereignty for Chinese vessels to conduct activities in the country's special economic zone, and such activities are justified'. At the same venue a PLA official described Chinese actions as representative of China's 'normal activities of law enforcement in its own exclusive economic zone to defend its rights and interests'.[161]

A review of the EP-3 crisis and *Impeccable* incident show certain recurring themes and patterns in China's implementation of its media warfare campaign. Some patterns relate to the style, format and content of China's media messages (points 1, 2, 3, 6 below) while others refer to the broader goals that are achieved via the mechanism of media warfare (points 4 and 5).

1. **Style and format of Chinese media reports.** First, China uses thematic frames to establish the incident (a) within the context of the global balance of power and (b) in the broader context of the threat posed by US hegemony to China's interests.

   Second, by manipulating the terminology, China positioned these themes at the forefront of international media platforms and consolidated its hold over the parameters of debate. For instance, the Chinese media's use of the term 'spy' plane in reference the EP-3 was quickly picked up by western media outlets and thus propagated ideas of US illegal surveillance.

2. **Use of "legal" justifications.** By backing up its claims with "legal" justifications that sound reasonable to those that are not familiar with specific treaty commitments[162], China is able to inject an element of 'legal validity' into its arguments against opponent actions and assert the moral high-ground by arguing its position is fully supported by the law.

[161] Ibid
[162] See paper by Mr. Peter Mattis

3. **Shut off information channels to make China's official lines the only ones available.** By controlling foreign access to senior officials, China ensures that US media outlets must rely on official press releases to follow events. Here we see planners taking a leaf from traditional Chinese statecraft in reflecting in Sun Tzu's dictum that one must control the flow of information to the opponent about oneself.

4. **Kick up a fuss then calm down.** By issuing protests and dramatic statements via the media, China is then able to *be seen* to take on a calmer approach towards its counterparts and thus foster the perception that it is a reasonable party whose responses are conditioned by forgiveness and tolerance towards its more belligerent opponents.

5. **Attempt to place the US on the defensive.** By repeatedly broadcasting the message of China's commitment to its relationship with the US and stressing that the US continuously puts that relationship in jeopardy through its actions, China implies the US is not committed to 'resolving the crisis'[163] and thus uses a high profile moment to test of American good will and intentions.

6. **Exploit US media processes.** China's media warfare campaign aims to maximize the benefits brought by the US media's commitment to 'objectivity'. Beijing understands the benefits obtained through what we have called 'false equivalency'. Philip Towle indicates that western media platforms often present China's false legal justifications on a par with arguments that are in fact legally valid and factually true. Another enabling factor here is China's use of legal jargon that appears to the uninformed reader to be valid (point 2). Unless the US government assiduously presents solid proof (in the form of photographs

[163] Ibid

and video footage as done during the USNS *Impeccable* incident of 2009) of China's true actions, Beijing will continue to exploit these media processes.

PART 4: CHINA AND PSYCHOLOGICAL WARFARE

In analyzing China's use of psychological warfare, we first consider the use deception in Chinese strategic thinking. Second, China's use of deception in PLA psychological warfare efforts in war games against the US 'Blue Forces' is analyzed. This highlights the role of deception and propaganda in previous

US-China confrontations. Third, the role of psychological warfare is examined in three case studies: the *Impeccable* incident of 2001; the Senkaku Incidents in 2010 and 2012; and Scarborough Shoal April 2012.

4.1. Psychological Warfare and Tactics of Deception

Several contributors and Advisers to this study, including Dr. Michael Pillsbury and Professor James Holmes, make the point that because 'deception and indirection are fundamental to the Chinese way of politics and war'[164], the psychological warfare element of the Three Warfares will play a continuing role in the pre-kinetic stage of any potential conflict. The many recent instances of China's use of psychological warfare underscores the continued relevance of Sun Tzu's dictum: 'All warfare is based on deception'.

We consider two ways in which the PLA believes psychological warfare is critical to victory. First, Sun Tzu teaches that the 'highest realization of warfare is to **attack the enemy's plans**; next is to attack their alliances; next to attack their army; and the last is to attack their fortified cities'.[165] The true aim in war is thus the **mind** of hostile rulers, rather than a physical entity such as the troops. In this way victory turns on **mental impressions.** In order to effectively condition such mental impressions to China's advantage, its leaders must 'correctly grasp and evaluate the intentions, traits and thought patterns of the enemy decision makers as well as the mental condition of his troops'.[166] Psychological warfare thus takes the thought-patterns of an opponent's leaders and public as its main target.

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[164] See paper by Professor James Holmes.
[165] Derek M. C. Yuen. 'Deciphering Sun Tzu'. *Comparative Strategy. 27:2.* 2008. P.187
[166] Ibid P.190

Second, Professor James Holmes details that ‘deceptive stratagems help the able commander conceal his battle capacity, pretending incapacity when capable or inactivity when active.[167] They may permit him to appear far away when nearby, or the reverse. They enable him to prey on the enemy general’s character flaws. The savvy commander insults and angers his opposite number. Faking inferiority is another way to encourage overconfidence and prompt unforced errors’. China’s own forces must exercise extreme discipline, order and rigorous self-control to simulate apparent formlessness and disorder effectively, and to **mask China’s own intentions**. By making other states perceive such disorder this deception keeps adversaries from joining forces and thus drives wedges into enemy alliances.

This is supplemented by actively ‘implanting doubt and dissent throughout an enemy society while encouraging self-defeating conduct’. China’s ancient strategic texts thus teach of deceptive tactics that will enable China to inhibit its opponents from ‘fully converting latent into kinetic strength’ and thus diminish an opponent’s ‘power of resistance’.[168]

Therefore although Chinese policy makers give little indication of the ideas behind the Three Warfares and rarely make links explicitly to concepts from strategic theory[169], the Three Warfares are, in fact, ‘entirely congruent’[170] with Chinese strategic culture. Moreover Chinese policy makers and strategists rely heavily upon Chinese cultural heritages as the reservoir of wisdom’.[171] It is thus reasonable to leverage the teachings of China’s ancient strategic texts to illuminate the concept

[167] See paper by Professor James Holmes
[168] Ibid
[169] Ibid
[170] Ibid
[171] Christopher Ford *The Mind of Empire: China’s History and Modern Foreign Relations.* 2010. P.13.

of deception that lies at the core of China's use of psychological warfare in the modern era.

4.2. PLA Efforts to Implement Psychological Warfare

Manipulation and deception have been part of China's culture for more than 5000 years with complex psychological initiatives used to protect China's strategic interests while also deterring conflict.[172] Analysts indicate that China's military elite widely accept[173] that it is better to subdue the enemy without engaging militarily in a kinetic conflict. Chinese commanders place emphasis on manipulating an adversary's cognitive process both prior to and during a conflict. The US must assume that its command structure and forward units are key targets of China's psychological warfare efforts.

Dr. Michael Pillsbury indicates that it is clear, based upon translated PLA documents that the PLA has concluded that the use of focused messaging as part of the Three Warfares has been quite successful in war games against the 'Blue Force'.[174] However, while there are historical examples of China's having surprised its opponents through deception--by techniques such as nurturing an opponent's wishful thinking, as evident in Chinese successes against the US in Korea 1950, against India 1962, the Soviet Union 1969 and Vietnam 1979[175]--the exact content of the *messages* that will be sent to achieve the desired psychological effects are shrouded in secrecy.

Dr. Pillsbury identifies two recent press reports from 2010 and 2012 that describe PLA unit exercises and provide a unique insight into the messages used to

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[172] Peter Callamari & Derek Reveron. 'China's Use of Perception Management'. *International Journal of Intelligence and Counterintelligence*, 16, 2003. P.4.
[173] Ibid
[174] Dr. Michael Pillsbury comments in discussion with Project Director.
[175] Ibid

demoralize the ‘Blue Force’ units in PLA war games. In these instances, messages were delivered via artillery shells containing leaflets and mobile field sound trucks[176] and were used in the direct aftermath of a tactical ambush to further weaken the morale of the ‘Blue Forces’.

The first report relays the details from a PLA exercise in 2010 where a motorized infantry brigade attended assessment exercises titled ‘Forged Sword-2010’ in the military region of Tongbai. This report reveals that brigade level units combined firepower with targeted messages. In this instance, the morale of the ‘Blue Force’ units was targeted by using deception (such as ‘cleverly applying topography, surface features and vegetative cover’[177]) to conceal military equipment at strategic locations. ‘Blue Force’ units were then lured into the area, which was brightly lit at night, to conduct reconnaissance on locations they thought housed key command posts.

In this manner, the morale of the ‘Blue Force’ units was negatively impacted by nurturing the opponent’s ‘wishful thinking’ (by planting the false idea that they had located a core strategic location of enemy operations). Their morale was further diminished by detachments located in the area who struck with artillery using propaganda shells, balloons dropping propaganda leaflets, and soldiers shouting to their opponents on the battlefield.[178]

The report details that the combination of effective military strikes, joint encirclement through multiple routes and penetration and division with psychological attacks resulted in the Blue Force quickly falling apart as both their physical and mental defensive capabilities were crippled.

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[176] Ibid
[177] Ibid
[178] Ibid

The second report details an eye-witness account of the PLA conducting ‘soft kill’ during an exercise in 2012. The report highlights the civil-military integration and consolidation of PLA forces, which enabled a more systematic approach to psychological attacks. The report describes, for example, how the combined psychological warfare and combat actions, launched at the proper time and place, were instrumental to the successes of the Shenyang Military Region’s “Joint-2012” troop exercises. [179]

During this exercise, the ‘Red Force’ joint operations group added a psychological warfare propaganda officer’s position, and utilized a psychological warfare command and control system that was jointly developed by the military region’s political department and the Nanjing Political Academy. Dr. Pillsbury makes the point that this allowed for synchronized operations and decision-making involving all of the combat forces of the joint operations corps and thus presented a substantial improvement on the old, fixed pattern of having the command-and-staff organization forward suggestions and directives.[180]

While the enemy’s position was attacked through a ground assault, officers proficient in foreign languages used armored broadcasting vehicles to conduct offensive propaganda campaigns targeting the ‘injustice’ of the opponent’s war. Meanwhile, satellite broadcast vehicles conducted multiple waves of high-intensity public opinion propaganda.[181] In what we assume to have been a location inside China, local media forces, working in tandem with local governments, set up news release centers and held news conferences. In this way, the enemy’s will to fight was undermined by stimulating latent anti-war sentiments in the psyche of opposing troops. In contrast, the morale of PLA’s own troops was consistently

[179] Ibid
[180] Ibid
[181] Ibid

consolidated and bolstered, as local psychiatrists visited PLA drill grounds to provide officers with psychological counseling.

Confirming the PLA's view that successful psychological warfare efforts rely upon accurate and reliable intelligence about an opponent's thought processes, the information gathered during the exercises was entered into a 'psychological warfare database'.[182] Dr. Pillsbury highlights that the database helped the PLA to build a profile of the opponent's 'psychological composition, equipment allocations, and even the psychological weaknesses of their commanders'.[183] These details were then made available to members of the 'Red force' joint operations group at every level in order to ensure each psychological attack had the maximum possible effect.

The PLA has used psychological warfare continuously since the Chinese civil war. The PLA's psychological operations are described by Rear Admiral Mike McDevitt as having included mass surrenders of entire formations that changed sides during the Civil War.[184] Furthermore PLA 'pysops' used against the US prisoners of war during the 1951-54 Korean War led to the introduction by the US of a 'Code of Conduct' to guide behavior and avoid being 'brain-washed' in the event of capture.[185] Psychological efforts also targeted the higher levels of US command with attempts to insert a degree of uncertainty about the effectiveness of the US training and preparation programs and the ensuing safety of US troops. In this way, the PLA hoped that US battlefield commanders would "second guess" their own decisions and capabilities.

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[182] Ibid
[183] Ibid
[184] See paper by Rear Admiral Mike McDevitt
[185] Ibid

Psychological tactics have, more recently, been employed in the maritime domain, most notably in the 2009 *Impeccable* incident, where the vessel's civilian crew were placed in harm's way[186] and the message was conveyed that the safety of unarmed USNS surveillance vessels operating within Chinese zones was far from assured. The Chinese hoped that psychological pressure would raise questions about established US operations with the effect of either halting the operations or at least ensuring that operations could no longer be considered routine.[187]

4.3. The Senkaku Islands Disputes – 2010 and 2012

The Senkaku Islands disputes have proved to be an on-going sticking point in Sino-Japanese relations. The importance of the Senkakus rests in their proximity to strategically important shipping lanes, with Japan's crude oil imports from the Middle East passing through this area. The waters also contain a wealth of fish; oil deposits were discovered in 1968. Japan controlled the islands from 1895 until its surrender at the end of World War II. The US administered them as part of the United States Civil Administration of the Ryukyu (Senkaku) Islands from 1945 until 1972, when the islands reverted to Japanese control under the Okinawa Reversion Treaty between the United States and Japan. Although both Japan and China claimed sovereignty over the islands before the United Nations Security Council in May 1972 – they have remained under Japanese control.

i. Tension trigger points

Rear Admiral James Goldrick RAN (ret.) identifies two points as having triggered tensions. The first occurred on 8th September 2010 when the Japan Coast Guard

[186] See paper 2 by Rear Admiral James Goldrick
[187] Ibid

arrested a Chinese trawler captain following a collision with two coast guard vessels in disputed waters near the Senkaku Islands. A territorial dispute and diplomatic standoff ensued over the eight uninhabited islands and rocks located in the East China Sea, situated northeast of Taiwan, east of China and southwest of Japan's southernmost prefecture, Okinawa.

The second trigger occurred more recently when Tokyo Governor Shintaro Ishihara, riding a rising tide of anti-Chinese sentiment, announced on April 17th 2012 that the Tokyo metropolitan government planned to purchase three of the five Senkaku islets, administered by the city of Ishigaki, Okinawa Prefecture to 'secure the integrity' of the islands. Then, on July 7th 2012, Japanese Prime Minister Yoshihiko Noda announced that the national government would purchase and nationalize the Islands.

ii. An example of economic-based psychological warfare

Contributors have noted that one aspect of the Senkaku Island dispute provides an example of 'targeted, economic-based psychological warfare'.[188] The difference in China's response on the two separate occasions has been the extent to which the Chinese government was prepared to exercise direct influence on economic/commercial matters, rather than simply manage (and accept) the popular rejection of Japanese goods and Japanese culture.[189] In response to the first incident in 2010 Chinese economic sanctions, in the form of a two-month unofficial ban on exports of rare earths to Japan and the pronouncements by Chinese officials that they were contemplating levying fines against Toyota Motor company's Chinese operations for various violations such as illegal rebates to Chinese car dealerships,

[188] Timothy Walton. 'China's Three Warfares'. *Delex Special Report Brief.* 2012. P.5.
[189] See paper 2 by Rear Admiral James Goldrick.

did take Japan by surprise.[190] The almost immediate effect of such sanctions was Japan's release of the captain of the fishing vessel.

In contrast, in the 2012 dispute there was no implementation of direct or indirect economic measures that required government approval and direction of the sort implemented in 2010. Contributors argue that this may be a sign of increased Chinese sophistication in Three Warfares thinking and the need to avoid unwanted side effects of its actions, such as Japan's successful steps to reduce dependency on Chinese exports (i.e. rare earths).[191]

Furthermore it appears that, although the mass protests in 2012 may have enjoyed a degree of government support, the government did not view the actual physical attacks on Japanese associated companies and individuals as helpful. Boycotts of Japanese goods (especially cars) and cancellations of holiday bookings were largely products of genuine individual and collective action.[192] Rear Admiral James Goldrick also points to the rise of 'cyber-nationalism' at certain critical junctures in the 2012 crisis (in the form of a flurry of social media outpourings) as evidence of the critical role of popular feeling, especially amongst younger and more politically aware Chinese.

In this context nationalist manifestations on certain South China Sea issues may have become a potential liability for the Three Warfares campaign as Beijing must be able to leverage those feelings in a way that neither threatens the regime nor weakens its ability to successfully manage relations with its Asian and Western counterparts. For instance, the strong economic ties that have developed over the

[190] Ibid
[191] Ibid
[192] Ibid

past twenty years are shadowed by memories of Japanese conquest and misrule in China[193] – memories that are placed in sharp focus by the Senkaku dispute.

This highlights the flip side of the psychological warfare campaign – and its application not only to international publics but to the psyche of its own domestic populace. Rear Admiral Goldrick thus highlights the Chinese government's 'cautious encouragement' of individual and collective actions that challenge Japan's violation of China's territorial sovereignty if they are of a 'reasonable manner'[194] and curtailment of those that are perhaps more extreme.

The need to carefully manage both internal and external audiences in the Senkaku affair is confirmed by the release of a 'White Paper' in Chinese, Japanese and English on 25th September 2012 by the State Information Council of China entitled 'Diaoyu Dao: an Inherent Territory of China'. *Xinhua*, the official news agency, followed this by publishing international endorsements of the White Paper's claims, especially from American academics.[195]

iii. Applied lessons from the 2010 dispute

Thus Beijing's use of psychological warfare in the 2012 episode was moderated by lessons of 2010, with the tactical use of economic coercion informed to a greater degree by caution. For instance, in 2012 China waited until the islands were actually purchased by Japan's central government before dispatching maritime surveillance vessels to demonstrate China's objections. The degree of Chinese presence was also restrained; while the Japan Coast Guard reported 13 Chinese government vessels in the vicinity of the islands on 21 September, all of these

[193] See paper by Professor James B.L. Mayall
[194] See paper 2 by Rear Admiral James Goldrick
[195] Ibid

vessels remained outside of the contiguous zone, some 12-22 miles off the islands.[196] This indicated China's intention to do two things:

First, China sought the moral high ground in this maritime dispute. Contributors highlight that China's policy was to use only minimum force, and only in response to serious Japanese efforts to undertake resource exploration or 'significant civilian fishing'.[197]

Second, as direct intervention would be precipitated only by aggressive and violent Japanese actions, unless that should occur, there is no expectation that China will attempt to occupy the Senkakus at this time. Moreover, China has much to lose by attempting to place personnel on the islands. Were such to take place, the Chinese would be removed by the Japanese Coast Guard. This would lead to international recognition that the islands are, in fact, administered by Japan. By staying below the provocation threshold Beijing is both able to preserve its status as a 'responsible stakeholder' while creating psychological pressure and introducing questions about the otherwise established Japanese control of the islands.

Moreover, to provoke a confrontation in which the Japanese removed Chinese personnel would defeat the objective of Beijing's current policy which is simply to raise doubts about Japan's claim and administration, and to—in effect—put the islands in play. Beijing's longer term objective is to force a negotiation in which Japan cedes certain rights to China to drill for and extract oil on limited plots adjacent to the Senkakus.

While the Senkakus stand apart from disputed claims in the South China Sea due to Japan's determination and military capacity, other littoral states stand to lose if they try to evict Chinese fishing or police vessels from disputed waters or islands,

[196] Ibid
[197] Ibid

within their jurisdiction. Yet, if they fail to act, they leave Chinese assets holding the contested real estate – and China exercising de facto jurisdiction'.[198] Thus the psychological prong of the Three Warfares, in concert with growing material capabilities, enables China to 'create situations to which adversaries must react, but to which they cannot react effectively'.[199]

4.4. Scarborough Shoal

Psychological warfare is also evident in China's use of economic coercion as a retort to Manila's unwillingness to withdraw from Scarborough Shoal. In April 2012 the Philippines Navy dispatched a frigate to Scarborough Shoal to investigate the presence of eight Chinese fishing boats in the area. Between the months of April and August 2012 China responded with several psychological warfare measures designed to target the Philippine's morale, motivation and willingness by diminishing international support, undermining the Philippine's military capabilities, affecting its economy and sowing domestic political dissent.[200] For example, China deployed at one point nearly one hundred surveillance ships, fishing boats and utility craft in the lagoon while broadcasting messages via its official media that the Philippines was engaging in 'radical'[201] behavior.

Official statements publicized through Chinese and foreign media were also used in combination with messages sent through diplomatic channels (with Chinese Vice Foreign Minister Fu Yung repeatedly summoning Beijing-based Philippine diplomats for talks at the MOFA and informing the charge d'affairs that the Chinese side 'has… made all preparations to respond to any escalation of the situation by the Philippine side'). In this way, China repeatedly signaled to its

[198] See paper by Professor James Holmes.
[199] Ibid
[200] Timothy Walton. 'Treble Spyglass, Treble Spear: China's Three Warfares'. *Defense Concepts*. Vol 4 Edition 4. P.53
[201] Yu Jinghao. 'Why the Philipppines becomes so 'radical' in the South China Sea?' *People's Daily.* April 27, 2012.

smaller neighbor that it possessed both the force projection capability and the political will to respond to Philippine actions and leveraged its media mechanism to impose pressure on the government.

Chinese psychological warfare efforts in this instance also took the form of coercive economic diplomacy.[202] China imposed a unilateral fishing ban to cover the waters around the Scarborough Shoal and quarantined tropical fruit imports from the Philippines. With reference to the latter, Chinese quarantine authorities reportedly blocked hundreds of container vans of Philippine bananas from entering Chinese ports--claiming the fruit contained pests. The Chinese decision to quarantine the bananas dealt a blow to the Philippines which exports more than 30 per cent of its bananas to China.[203] Beijing also slowed the inspections and importation of other Philippine produce including papayas, mangoes, coconuts and pineapples.[204]

In addition, Chinese travel agencies temporarily halted tour group travel to the Philippines– allegedly out of concerns for the safety of Chinese tourists there. This again imposed a substantial economic and commercial burden on the Philippines, as in January 2012 China had surpassed Japan to become the third largest source of tourists for the Philippines.[205] Decision-makers in the Philippines were thus subjected to building pressure transmitted through Chinese official news agencies, a growing Chinese maritime presence in the lagoon (as a stark example of China's modern military compared to the pride of the Philippine Navy-- a decommissioned US Coast Guard cutter), domestic political pressure from fruit growers, farmers

[202] Bonnie S. Glaser. 'China's Coercive Economic Diplomacy: A New and Worrying Trend'. *Center for Strategic & International Studies.* August 6, 2012
[203] Ibid
[204] Ibid
[205] Ibid

and the tourist industry and a series of demarches delivered through diplomatic channels.

Given these pressures, and particularly from the business community, the government backed down and abandoned its confrontational approach in Scarborough Shoal. This was presented by China as a diplomatic victory and demonstrated the tangible benefits China is able to obtain in the South China Sea by leveraging the psychological aspect of its political warfare trilogy.

PART 5: HOW THE THREE WARFARES THREATEN US POWER PROJECTION

The United States is one of the four key audiences targeted by China's Three Warfares campaign (others include the South China Sea littoral claimant states, domestic opinion and the global public). Its role in targeting the US falls under the umbrella strategy of 'Anti-Access/Area Denial' (A2AD). China's precise objectives in the present time frame, though the subject of extensive discussion, remain unclear; there are a range of views. Dean Cheng, testifying before the House Foreign Affairs Committee, March 28th 2012 made the point that: 'the PLA's efforts appear aimed at preventing the United States from deploying to the western Pacific, and therefore jeopardise the ability of the United States to support its allies, assist its friends, or otherwise fulfil its security obligations'.

Rear Admiral Mike McDevitt views it differently. He does not believe that China's objective is to push the US Navy out of the Western Pacific and back to the Hawaiian Islands for the simple reason that this is not possible in peacetime. There is agreement, however, that the US Seventh Fleet will remain a fixture in the region as long as Japan is willing to host it and as long as the US remains militarily engaged in East Asia.[206] It is also clear that in the event of a Sino-American conflict, China expects its 'counter intervention' capabilities (namely, its A2AD strategy) to keep the US Navy beyond an effective strike range of the mainland.

[206] See paper by Rear Admiral Mike McDevitt.

The PLA's concept of 'Active Defense' assumes that China will wage 'war only to defend national sovereignty and territorial integrity'.[207] The strategy has four interrelated pillars identified as the following[208]:

1. **Political** – to exploit any weaknesses in political support for US allies and friends with the objective of keeping the US out of the South China Sea region.

2. **Geographic** –to increase the time required for US forces to enter the theater of conflict.

3. **Military** – to degrade the US military's ability to penetrate anti-access environments.

4. **Self-Restraint** – to make involvement so costly that the US chooses not to respond to a given contingency.

The Yulin Naval Base, also called Sanya Naval Base, on the southern tip of Hainan Island plays a key role in the 'Active Defense' strategy. It is home to the PLAN's South Sea Fleet. It services surface combatants, nuclear submarines and the new aircraft carrier and is strategically located close to the disputed Xisha (Paracel) and Nansha (Spratly) Islands, as well as the shipping lanes from the Strait of Malacca. Moreover, it overlooks critical arteries connecting the PRC to important resources in Africa and the Persian Gulf.

Of interest to the US is that these facilities and the extended reach they provide, when used in concert with the Three Warfares, allow China to **signal its strength**

[207] Lieutenant General David A. Deptula. 'China's Active Defense Strategy and Its Regional Impact'. *Hearing Statement before the US-China Economic & Security Review Commission*. Washington, DC. January 27, 2011. P.1
[208] Ibid. P.13.

and resolve to contest territorial disputes by threat or use of force. Furthermore Lieutenant General Deptula notes that ‘as China continues to fund military modernisation in the smaller Asian countries and invest economically in the region, their control over the military and economic actions of these countries will increase. This is likely to push the operating environment to one that is increasingly unfavourable to the US’.[209]

Such control over littoral claimants could potentially limit US power projection in the South China Sea and also further afield in the Indian Ocean Region (with key players such as Pakistan, Myanmar and India), creating a favourable environment in the maritime commons for current and future Chinese actions. The Three Warfares thus aim to modify, in a fundamental way, the framework for regional activity in the maritime commons and raise doubts about the legitimacy of the US presence there.

5.1. Scenarios where the ‘Three Warfares’ Threaten US Power Projection

Given the crucial role of the Three Warfares to condition the pre-kinetic stages of a conflict under A2AD, contributors highlight certain areas in which the campaign is likely to be applied over the next ten years. It is here that US power projection could be threatened.

5.1.1. Countering US Naval Presence

Rear Admiral James Goldrick expects the Three Warfares to be applied over the next decade in locations where the US is showing support through naval presence for an ally threatened by China, either in areas close to the Chinese mainland or important offshore islands. The US allies/friends identified as possible candidates in this scenario include Japan, South Korea and, most likely, Taiwan. Regarding

[209] Ibid

the latter, contributors believe China's key tactic will be to determine where US vessels (surface and sub-surface) are operating and also where they will need to be positioned to intervene or to underscore US resolve in the operating arena. China will then move to occupy these areas using obstructionist tactics including, for example, the deployment of hundreds of fishing vessels and nets.[210]

China may also attempt to interfere with carrier flight and recovery operations if carriers assumed semi-permanent operating positions close to the coast.[211] In this context, China could deploy numerous 'research vessels' with towed arrays, supported by maritime security units, in order to 'box in'[212] a carrier's intended operating area or otherwise force it away from the coast.

By extrapolating from China's past conduct towards the US, most notably the *Impeccable* incident, contributors argue that Chinese units will not try to force interaction but will instead remain 'passive in close range situations'.[213] Thus by leveraging the civilian maritime arm of its law enforcement capabilities China will attempt to present to the outside world the image of a peaceful China vs. an aggressive US Navy. By physically getting in the way of US routine operations, China can thus put the impetus for action onto the US and portray any US interference as a prime example of aggression towards China's 'legitimate' legal, commercial or scientific activities – and support such a portrayal through adroit use of its state-owned media news outlets.

The announcement by DPRK leaders in Pyongyang of their intent to test a 'space launch vehicle', precipitated a range of US PACOM missions to deter potential adversaries and to assure US allies of its continued commitment to the region and

[210] See paper 1 by Rear Admiral James Goldrick.
[211] Ibid
[212] Ibid
[213] Ibid

to allies in times of crisis.[214] The response of the US Pacific Fleet included the deployment of Aegis destroyers along the most likely DPRK missile flight paths.

One of these critical locations was the international waters of the Yellow Sea where US Navy ships came in contact with ships from China Maritime Surveillance (CMS). The CMS vessels manoeuvred dangerously close to the US destroyers and relayed messages over bridge-to-bridge communications that they were operating in waters under 'Chinese jurisdiction' without Chinese permission and must leave the area or 'be responsible for the consequences'.[215]

CMS 'white hulls' are operated by one of several Chinese maritime law enforcement agencies in waters where China claims the right of exclusive control. They derive their authority to act in waters near China, such as the Yellow Sea, not from international law, but from PRC domestic law which addresses foreign military activities in its EEZ.[216]

Importance of Perception: By keeping only 'white units' at the forefront of its effort to enforce its laws and policies, China manipulates public perceptions via its Three Warfares, to present the US as the first to employ military power. Rear Admiral James Goldrick identifies the Senkaku Islands as a prime example of China's efforts to plant the onus of action on the US and to limit its scope of action. Here China cleverly used non-kinetic effects against the Japanese to 'avoid the appearance of escalation, which would have justified direct US naval intervention'.[217]

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[214] Lieutenant Colonel Kevin & Major James Baker. 'Gray on White: How China's use of the "Three Warfares" affects U.S. Pacific Command's ability to execute its mission'. 2012. .P5.
[215] Ibid P.5
[216] Ibid P.6
[217] See paper 1 by Rear Admiral James Goldrick

Unsafe CMS seamanship to enforce China's domestic laws could well lead to a collision at sea, which, even if the US had strictly adhered to international maritime norms and correct conduct, could require the US to defend its actions in public. [218] An advisor to this study makes the point that 'any gray hull conflict with the white hull of another nation has the potential to be viewed as highly escalatory, even though the gray hull has every right to be there'.[219] However analysts also indicate that the pulling back by US gray hulls for fear of collision would not only jeopardise US power projection but would lend credibility to the China's legal arguments.

5.1.2. **Countering US Surveillance Operations**

US power projection would be threatened by the Three Warfares if China escalated its objections to foreign military operations in its EEZ. US reconnaissance missions have served as a mechanism by which the US asserts collective rights, freedoms and uses of the waters beyond the territorial control of any coastal state.[220] Furthermore through Freedom of Navigation Operations (FONOPS) 'PACOM deliberately challenges the excessive maritime claims of a nation by sailing through an area covered by those claims and thus logs an historical challenge to those claims until they are resolved in accordance with internationally recognised norms'.[221]

Rear Admiral James Goldrick argues that the most likely catalyst for a confrontation would be a Chinese conclusion that, due to US surveillance activities near the PLAN base on Hainan Island, its submarine based nuclear missile force

[218] Lieutenant Colonel Kevin & Major James Baker. 'Gray on White: How China's use of the "Three Warfares" affects U.S. Pacific Command's ability to execute its mission'. 2012. P.6.
[219] Ibid P.9
[220] Ibid P.13
[221] Ibid

was vulnerable.[222] Civilian manned USNS units and other non-military US government research vessels carrying out surveillance have proven vulnerable in such circumstances-- as evident in the *Impeccable* incident of 2009. To blunt Chinese efforts to curtail US operations in this capacity – contributors argue these vessels need self-protective measures that can be rapidly activated.

Threatening scenarios for US ships and crews could include 'swift vertical insertions by helicopter borne special-forces' conducted against US surveillance vessels operating alone within the Chinese EEZ, followed by an 'arrest' for breach of Chinese law. [223] These actions would be carried out at night to avoid a *YouTube* backlash, as in previous instances, with maritime security agency units taking the leading role in the apprehension and escort of US vessels and thus creating a 'ring of white steel' around the US unit with the PLAN acting as a 'distant covering force'.[224]

In concert with this, media warfare would enable China to widely publicise the arrest, couched in terms that reinforce the Chinese narrative, its interpretation of UNCLOS and its 'patience' in dealing with US 'incursions' into its EEZ. In keeping with past instances, particularly the EP-3 incident of 2001, analysts expect that crew communications would be severed to prevent any narrative other than China's version of events from gaining traction.

Lieutenant Colonel Kevin Koerner identifies China's Three Warfares as having made US policymakers so sensitive to the possibility of an adverse political response that they do not feel free to exercise that which is actually called a 'freedom'[225] (i.e. a FON exercise). Thus, through use of the Three Warfares, China

[222] See paper 1 by Rear Admiral James
[223] Ibid
[224] Ibid
[225] Lieutenant Colonel Kevin Koerner & Major James Baker. 'Gray on White: How China's use of the "Three Warfares" affects U.S. Pacific Command's ability to execute its mission'. 2012. P.14

is conditioning US decision-makers to become ‘inordinately sensitive about what should be considered a routine operation’.[226]

5.1.3. **Targeting US Allies in the South China Sea**

The third scenario considers circumstances in which the Three Warfares are directed against Southeast Asian nations and US East Asian allies rather than the US itself. Here the Three Warfares would function as China’s leading edge against militarily weaker nations. This effort would be supported by China’s ‘white navies’, most notably the Fisheries and Marine Surveillance agencies; the Philippines would likely be the first target.[227] The Three Warfares thus allow China to cloak its actions in the ‘guise of non-military police and security enforcement’, creating complications for any kinetic response the USN might consider.[228]

China’s use of civilian vessels—often called ‘Peoples War at Sea’ – and Three Warfares measures makes it more difficult for the South China Sea littoral states to receive direct military support from the US, though this can be overcome. Still, the tactic renders US allies vulnerable to China’s political warfare campaign and its coercive components.

Japan

Significantly, the case of Japan is quite different. The Japanese have awakened from six decades of quiet passivism. Limited by Article 9 of their constitution from forming an offensive military force, successive Japanese governments and large majorities of the Japanese people, have opted for a very modest military posture. That has changed over the past twelve months. China’s aggressive claim to the Japanese administered Senkaku Islands, and now Okinawa, stirred Japanese

[226] Ibid
[227] See paper 1 by Rear Admiral James Goldrick
[228] Ibid

nationalism which was clearly reflected in the election of Shinzo Abe as Prime Minister on December 26, 2012. Abe made his first major foreign trip to the US for meetings with President Obama. Both reaffirmed their commitment to the US-Japan Security Treaty and alliance.

In discussions with Japanese political and Japanese Self Defense Force leaders, March 2013, it was made clear to the Project Director that:

i. Japan will use force if necessary to defend its position in the Senkaku islands.
ii. Attitudes toward China among the Japanese public have hardened. Over 80% believe China's aggressive actions in the East China Sea (Senkaku Islands) are responsible for rising tensions.
iii. Attitudes toward North Korea have also hardened. Fear of nuclear or other missile attacks have accelerated the deployment of anti-missile frigates and destroyers around northern Japan and around major cities.
iv. Both government and people believe that Japan must defend its territory against China.
v. Japan will expand its military capabilities at an accelerated rate by building additional frigates, destroyers, submarines and aircraft.
vi. Japanese officials believe they have a clear and reliable agreement with Washington and rely upon the US nuclear umbrella and upon the US to provide conventional forces if needed. [229]
vii. The alliance, in turn, anchors the US position in the region-- an essential relationship for both.
viii. China believes its growth is constrained by US regional alliances. China's objective is to sever the US-Japan alliance which it believes will degrade the regional alliance system. This is thought a crucial step preconditioning China's restoration of regional primacy.

[229] Project Director, Professor Stefan Halper, met with JMDF, Parliamentary leaders, the Prime Minister's Cabinet Secretary, the MOFA, Meti and various think tank researchers in Tokyo. March 2013.

ix. ‘Japanese nationalism is in check now but could become very strong, take hard line and provoke a confrontation. The Abe cabinet must develop an effective course of action’.[230]

x. Japan is constitutionally constrained from responding to intruders with “police actions”. For the military to take action, the military decision structure requires the Prime Minister to issue a defense order. But that can only occur if Japan is being invaded. There is no constitutional provision to order a police action of the type required to expel the PRC should they land personnel on the Senkakus. The Coast Guard is uncertain if they have the authority to remove and imprison.

xi. Admiral Yogi Koda made the point that the Senkaku are not the center of gravity; they are not the most important part of the strategic calculus. More important are Miako, Ishisaki and Yongani, three small islands north of Okinawa. There are three passages between these islands that can allow submarines to pass and must, in the event of confrontation, be blocked by the US/Japan with submarines and sea mines. Admiral Koda asserts that effective action here would prevent PLAN subs from moving to open water.

Among the important points made in the Tokyo discussions is that while Japan played a limited role in resisting Chinese aggression over the past decade, this will likely change. Functioning as the anchor of the US presence in East Asia and the Western Pacific, Japan will likely take a more forward posture in addressing the China problem as the next decade unfolds.[231]

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[230] Vice Admiral Yogi Koda, Tokyo, March 22, 2013

[231] Stefan Halper conducted discussions with Japanese military, political and economic leaders in Tokyo in March 2013.

In each of three scenarios outlined above, ‘Countering US Naval Presence’, ‘Countering US Surveillance Operations’ and ‘Targeting US Allies in the South China Sea’, it is anticipated that China will assert through its media channels that US power is in decline. China will also assert future stability in Asia is dependent upon China’s ‘New Concept of Security’, rather than the US alliance based system – which is ‘merely a relic of the Cold War’.[232] This concept first appeared in ‘China’s National Defence’, released by the Information Office of the State Council of the PRC, July 27 1998.[233]

Under China’s ‘New Concept of Security’ each nation would have the right to choose its own social system, development strategy and way of life. No country would interfere in the internal affairs of any other country. The concept calls for mutual non-aggression and mutual respect for territorial integrity and sovereignty.

Now, fifteen years later, China emphasises two new concepts: namely, ‘**a new type of international relations’**[234] and **‘a new type of great power relationship’**.[235] Speaking at the Moscow State Institute of International Resolutions in February 2013, Xi Jinping spoke of ‘win-win cooperation and common development’. Nations would respect others’ right to pursue their own form of political and economic development, and states would rely upon collective security to address the threat environment.

With reference to the US, Chinese leaders highlight three obstacles to achieving this new vision of US-China relations: strategic mistrust; conflicts over China’s ‘core interests’; and competition in the Asia-Pacific.[236] China places responsibility

[232] See paper by Rear Admiral Mike McDevitt
[233] Ibid
[234] Peter Mattis. ‘Out with the New, In with the Old: Interpreting China’s “New Type of International Relations”’. *Jamestown Foundation, China Brief.* Volume 13, Issue 9. April 25, 2013
[235] Michael S. Chase. ‘China’s New Search for a “New Type of Great Power Relationship”’. *Jamestown Foundation, China Brief.* Volume 12, Issue 17. September 7, 2012.
[236] Ibid

for resolving these obstacles on the US. Beijing's vision of a 'new type' of US-China relationship seemingly requires Washington 'to accommodate China's interests largely on Beijing's terms- apparently without reciprocal adjustments'.[237]

Beyond the rhetorical barrage described above, Rear Admiral Mike McDevitt maintains that China is capitalising on the 'budgetary dysfunction in Washington' to further any doubts among US friends and allies in East Asia about America's staying power in the region. Furthermore if China's new security concept—advanced by the Three Warfares-- is allowed to garner support among US allies it could challenge the rationale for the US regional presence and challenge, in particular those prepared to provide basing rights.

Thus the Three Warfares can challenge US power projection in several ways at the same time with: economic inducements such as expanded investment or conversely boycotts; lawfare to inhibit surveillance, a benign "New Security Concept", ""Peoples War at Sea" featuring "white hulls", information warfare to promote negative perceptions of US actions, including over-flights and naval exercises in near waters to demonstrate Chinese presence (Senkakus); and diplomatic-legal steps to pressure central governments.

5.1.4. The Indian Ocean Region

In the near term, analysts expect that Beijing's priorities on disputed territories and resources as well as deterring Taiwan independence will likely keep China focused on the region. However, Bonnie Glaser predicts that 'the growing dependence of the Chinese economy on trade and imported energy will impel China to develop

[237] Ibid

greater naval capabilities and over time this will likely include the ability to project power over great distances'.[238]

One of the regions in which US force projection capabilities may thus be threatened by the Three Warfares in years to come is the Indian Ocean Region (IOR). For instance Captain James C.F. Hatcher AM argues that 'as China continues to increase its military power and global reach, it is reasonable if connected to the critical reliance upon energy supply emanating from the IOR, that China may one day seek to control this ocean and if an energy war erupts, deny its use by others'.[239]

Thus although the US is faced with a heightened imperative to secure Asian interests in the IOR, sites in the IOR for a permanent US military presence are limited. The US's Indian Ocean maritime strategy relies heavily on a small atoll of Diego Garcia.[240] The central location of Diego Garcia does however offer strategic flexibility and the atoll's ability to support and project military power, such as the upgrading of facilities to host SSGN, has received continuous investment. Furthermore the US's strengthening of ties with Australia and Singapore, with the deployment of up to 2500 marines in rotating units to Darwin, Australia by 2016, underscores that the predominance of the US in the Indian Ocean is an 'arguably necessary additional balance to China's evolving presence'.[241]

Possible reasons for China's desire to project power over the IOR in years to come are evident when one considers the two recent driving forces in the South China Sea recently: competition over resources plus strong nationalist sentiments over

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[238] Bonnie S. Glaser. 'China's Coercive Diplomacy: A New and Worrying Trend'. August 6 2012. http://csis.org/publication/chinas-coercive-economic-diplomacy-new-and-worrying-trend

[239] Captain J.C.F. Hatcher, 'China's Growing Indian Ocean Maritime Interests: Sowing the Seeds of Conflict?' *Royal College of Defense Studies.* P.39

[240] Ibid P.27

[241] Ibid P. 24

territorial disputes. Moreover, Taylor Fravel contends that 'In the Indian Ocean, China views any limits on its ability to access this body of water as a potential threat'.[242]

Analysts maintain the momentum behind China's growing power projection is not simply to enhance its strategic regional presence, but also to serve its economic interests. China's plans to urbanise 400 million people before 2030 will increase its energy demands by approximately three and a half times beyond what it would be if this population remained in rural areas.[243] Thus analysts point out that a rapid increase in energy supply is fundamental to China's future security. However with 80 per cent of China's petroleum imports transiting through the Malacca Strait, China is vulnerable (as embodied in the 'Malacca Dilemma'). Hence the increasing need for China to diversify and develop other transit routes to support its energy requirements. Harsh V. Pant argues that as China becomes increasingly dependent on imported oil for its growing industrial economy, 'it will develop and exercise military power projection capabilities to protect the shipping that transports oil from the Persian Gulf to China'.[244] Significantly, China is unwilling to rely on US naval power for unhindered access to energy.[245]

China's ambitions and 'String of Pearls' maritime strategy in the IOR fit firmly within this vein. The IOR forms a 'vital part of the global shipping network and includes the key maritime straits of Hormuz, Malacca and Bab el Mandeb'[246] with 50 per cent of the world container traffic and 70 per cent of the world's petroleum

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[242] Erin Fried, 'China's Response to a Rising India', Interview with M. Taylor Fravel, The National Bureau of Asian Research, October 4, 2011. P.2

[243] Captain J.C.F. Hatcher, 'China's Growing Indian Ocean Maritime Interests: Sowing the Seeds of Conflict?' *Royal College of Defense Studies.* P.11.

[244] Harsh V. Pant. 'China and India: A Rivalry Takes Shape'. *Foreign Policy Research Institute.* June 2011P.1.

[245] Ibid P.3.

[246] Captain J.C.F. Hatcher, 'China's Growing Indian Ocean Maritime Interests: Sowing the Seeds of Conflict?' *Royal College of Defense Studies.*P.7

products travelling through IOR waters. The capability to project power in this key region would 'require access to advanced naval bases along the sea lines of communication and forces capable of gaining and sustaining naval and air superiority'.[247]

To this end, China is building infrastructure and acquiring naval facilities along the crucial choke points in the Indian Ocean to serve both its resource-energy demands and strategic interests. For instance, China's submarine base near Sanya in the southern tip of Hainan Island in the South China Sea is the closest access point to the Indian Ocean. The concentration of strategic naval forces at this location will further 'propel China towards consolidating its control over the surrounding IOR'.[248]

Analysts argue that the presence of access tunnels on the mouth of this deep water base is particularly troubling for India[249] as it allows China to interdict shipping at the three crucial choke points in the Indian Ocean. The implications of the strategic location of China's base for US force projection capabilities are clear. China will want to keep the surrounding waters clear so that its submarines cannot be tracked.

China's increasing presence in the IOR, in the form of strategic bases and diplomatic ties, also restricts India's freedom to manoeuvre in the region. This includes electronic intelligence gathering facilities on islands in the Bay of Bengal, funding construction of a canal across the Kra Isthmus in Thailand and a military agreement with Cambodia. Furthermore in recent years China has been upgrading infrastructure in the Coco Islands and may be providing some limited technical assistance to Burma.[250] China has also built a large part of a sea port in Gwadar,

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[247] Ibid
[248] Harsh V. Pant. 'China and India: A Rivalry Takes Shape'. *Foreign Policy Research Institute.* June 2011. P.2
[249] Ibid
[250] Ibid P.3

Pakistan, and another port in Pasni (75 miles east), which will be joined to the port of Gwadar via highway[251] - and has constructed a maritime fuelling state on the southern coast of Sri Lanka.

The deep sea-port at Gwadar is 70 kilometers from the Iranian border and 400 kilometers east of the Strait of Hormuz, a major oil supply route.[252] Harsh V. Pant details that this port will provide China with a 'listening post' from which to monitor US naval activity in the Persian Gulf, Indian activity in the Arabian Sea and future US-Indian maritime cooperation in the Indian Ocean.[253]

These activities are indicative of both China's fears of encirclement should a close U.S-India military relationship develop and its strategic intentions in the IOR as expressed in a secret memorandum issued by the director of the General Logistic Department: 'We can no longer accept the Indian Ocean as only an ocean of the Indians'.[254]

The development of the port at Gwadar, Pakistan, is also indicative of China's increasing willingness to use Pakistan to secure its interests in the region. Other actions that reflect this are: China's movement away from thirty years of caution towards Jammu and Kashmir; its increasing military presence in Pakistan; its planned infrastructure linking Xinjiang and Gwardar; issuing stapled visas to residents of Jammu and Kashmir; and supplying nuclear reactors to Pakistan.[255] In a broader sense, this reflects China's effort to secure new energy markets in the Middle East with bilateral trade forecast to quadruple in the next two decades.[256]

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[251] Captain J.C.F. Hatcher, 'China's Growing Indian Ocean Maritime Interests: Sowing the Seeds of Conflict?' *Royal College of Defense Studies.* P.13
[252] Harsh V. Pant. 'China and India: A Rivalry Takes Shape'. *Foreign Policy Research Institute.* June 2011P.3
[253] Ibid
[254] Ibid
[255] Ibid P.1.
[256] Captain J.C.F. Hatcher, 'China's Growing Indian Ocean Maritime Interests: Sowing the Seeds of Conflict?' *Royal College of Defense Studies* P.16.

Furthermore China is able to make the most of declining US relations with several Middle East countries (given the interventions in Iraq and Afghanistan and difficulties with Iran). As such analysts expect that the 'economic and military relationships between China, Iran and Pakistan will challenge the US ability to assure maritime security in the IOR'.[257] The Three Warfares are thus playing a key role in China's 'strategic preparation of the battle-space' in the IOR through a pursuit of multi-lateral and bilateral relationships, commercial energy contracts and military engagements to secure the key geography of the Indian Ocean.[258]

Use of the Three Warfares

Commodore Uday Bhaskar , IN (ret.) argues that the Three Warfares may be used to influence the leadership of IOR littoral nations, particularly those who are dependent on China to a reasonable extent for their political and economic well-being.[259] In this vein, Commodore Bhaskar highlights 'China's recent re-emphasis on cultural linkages with Myanmar when that country is already under substantial Chinese influence'[260] which he see as an application of the Three Warfares to the IOR. For instance, the ceremony held on January 13, 2013 to unveil a monument to commemorate a war victory achieved by the Chinese Expeditionary Force against the Japanese in the Yenangyaung Battle in 1942 in Myanmar was widely publicised in the Chinese media. This event was portrayed as a key example of China saving the Burmese from historic Japanese aggression and is indicative of Chinese attempts to forge links with nations on the basis of a united front against a common enemy.

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[257] Ibid
[258] Ibid P.20
[259] See paper by Commodore Uday Bhaskar.
[260] Ibid

Commodore Bhaskar alludes to other examples of China's application of the Three Warfares to the IOR. China's anti-piracy program provides it a foothold in the area. Here it casts its presence as a contribution to the 'global good' and maintenance of SLOC security.

China is also advancing its economic and trade profile in the IOR. Courting other states in South Asia to complete its 'String of Pearls'[261], China has made politico-diplomatic, military and economic investments in IOR littorals ranging from Gwadar (Pakistan), Hambantota (Sri Lanka) and Sittwe (Myanmar).[262] China built a container port in Bangladesh at Chittagong. In Sri Lanka China is constructing bunkering facilities and an oil tank farm; it also provided aid to build a harbour containing two cargo terminals and a repair yard in the Hambantota Development Zone.[263]

Beyond these initiatives Commodore Bhaskar outlines four possible scenarios where Commodore Bhaskar envisages the CMC having taken four strategic decisions that will require the support of the Three Warfares campaign[264]:

1. **To carry out a military offensive to capture Tawang** (one of the 16 administrative districts of Arunachal Pradesh, claimed by China as part of South Tibet) and the monastery as a means to integrate it with Tibet.

2. **To deny the right of India to carry out maritime exercises** in the South China Sea within the nine-dashed line.

3. **To operate a carrier-led battle group** (CBVG) for extended period in the Indian Ocean to protect the SLOC's vital to China's economy.

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[261] Harsh V. Pant. 'China and India: A Rivalry Takes Shape'. *Foreign Policy Research Institute.* June 2011. P 3
[262] Ibid P.6
[263] Ibid
[264] Ibid P.5

4. **To acquire a base in the Indian Ocean littoral.** For instance, if one of the IOR islands (such as the Maldives) becomes an overseas Chinese territory, this could radically alter China's geography and has been bookmarked as a 'game-changing maritime development for Asia and the world'.[265]

With reference to the third exigency—operating a carrier group in the IOR--, Commodore Bhaskar argues that the required contextual conditions already exist. Chinese cargo is already a dominant element in the Indian Ocean SLOCs. Furthermore it is estimated that within the next ten years China-bound hydrocarbon laden carriers passing through the Malacca Straits will triple. While the 'Malacca Dilemma' is presently a major concern for Beijing, no action is possible now. The PLAN's available naval forces are committed to the South China Sea and the Western Pacific.[266] However given China's need for natural resources as discussed above, contributors argue China's share of the Indian Ocean SLOCs traffic will double every eight years, assuming the country's GDP continues to grow at 9 per cent.[267]

Thus over the next decade a 'tipping point' to be reached where Beijing will decide that its expanding seaborne trade and the need to maintain a certain trans-oceanic presence will require a naval presence in the IOR to protect SLOCs and show the flag.[268] China's 'Malacca Dilemma' is expected to propel it to move militarily once it has developed sufficient naval power to meet the 'maritime security needs in both the Indian and Western Pacific oceans.. Thus the military manifestation of China's IOR ambitions is simply a matter of time.

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[265] Ibid P.8
[266] Ibid P.5
[267] Ibid
[268] Ibid

The Three Warfares will play a critical role when China is ready and able to deploy a carrier-led battle group to the IOR. Contributors expect that such a military manifestation will create a 'ripple effect of counter-responses worldwide'[269] – an effect that the Three Warfares are apt to dilute. A concerted and persuasive Three Warfares campaign is expected to enable Beijing to prepare regional and global public opinion in the run-up to China's implementation of the CBVG in the IOR and to frame such a deployment as within the confines of China's 'peaceful rise'.

PART 6: CHINA'S VULNERABILITIES IN ADOPTING THE THREE WARFARES

6.1. Vulnerabilities in using Media Warfare

Contributors to this study expect China's media warfare efforts to become increasingly sophisticated in the years ahead. Professor Philip Towle points to the increased professionalism of China's propaganda campaign in the South China Sea

[269] Ibid

(see Part 8 below). With this in mind, we identify the six distinct advantages China enjoys in the propaganda battle[270]:

1. **Funds available (media-related) –** to support expanded overseas broadcasts, Confucius Institutes, academic institutions and other foundations and organizations that generate support for China's positions on a range of issues, including many arising in the context of the South China Sea tensions.

2. **Funds (loans-related)** - to aid developing nations, including many in Africa that support China's positions at the UN, other international organizations such as the WTO, and regional fora.[271]

3. **Technical and managerial capacity** - that can be offered to those nations possessing the natural resources China needs in exchange for political support.

4. **Goodwill –** expressed by those nations who are grateful for China's financial support, admire China's economic development model and appreciate the benefits gained from cheap Chinese products.

5. **A general desire to avoid conflict** - amongst nations inclined to 'play down the implications of Chinese maritime assertiveness'.[272]

6. **The practice of certain foreign media outlets** - to present Chinese explanations of events as being equally valid and legitimate as Western explanations rather than simply rebroadcasting the Chinese official domestic media account and identifying it as such.

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[270] See paper by Professor Philip Towle.
[271] Cambodian and Laotian support at ASEAN in 2012 provides a regional example, UN support provided by Zimbabwe, Sudan, Angola, Nigeria and other African states provide numerous UN examples.
[272] Ibid

If media warfare is about establishing the terms of debate and gaining a foothold in international public opinion for the Chinese narrative, then China's propaganda campaign brings exposure to certain vulnerabilities and possible counter measures. When a maritime crisis occurs in the South China Sea for instance, Beijing places much emphasis on rapidly gaining support for its version of events among global publics.

To do this a Chinese narrative is quickly provided to foreign journalists and Chinese commentators are made available for briefings to reiterate the Chinese account on every possible occasion.[273]

The advent of videos and mobile phones, and the so-called '*YouTube* effect' have rendered such quick propaganda exercises vulnerable, however. The spread of photographs and video documentation of events across the world via social media sites has outpaced government response times. As a result, China has been shown to have issued false statements. For instance, the Chinese response to the USNS *Impeccable*, incident on March 5, 2009 (as outlined in Part 3.3 above) revealed an unawareness of the near instant connection provided by social media between ships at sea and the wider world.[274]

The widespread use of personal mobile technology, with the capacity to take both photographs and video footage at the click of a button, has quickened the moment when a state's narrative of events can either be verified or proven false. Video also heightens the need '*to be seen* to adhere to international law in order to gain the moral high ground'.[275] Acquiring "victim status" in international incidents when a state's 'peaceful' fishing vessels encounter a foreign warship is no longer automatic.

[273] Ibid
[274] See paper 2 by Rear Admiral James Goldrick.
[275] Ibid .

This was China's intention in March 2009 and constituted the main thrust of its official narrative. Multiple *YouTube* clips, however, revealed that Chinese vessels, engaged in aggressive and reckless maneuvers, were deliberately, and illegally, harassing the *USS Impeccable.*

This visual proof of Chinese actions 'prevented the kind of false equivalency seemingly prevalent in the '2001 [EP-3] crisis, as photos …ran as newspaper pictures and online thumbnails'.[276] As a consequence, Chinese efforts to shape international perceptions of the *Impeccable* incident failed.

Thus, China's media warfare campaign, as currently formatted, has certain vulnerabilities. Visual evidence used by China's counterparts can quickly reveal a distorted CCP narrative, should there be one, and thus insulate the global public from a false version of events. Secondly, false narratives generate suspicion. Questions about China's behaviour and motives have had a negative ripple effect in the region contributing to unease in other areas including China's refusal to accept multi-lateral arbitration on claims and slowing consideration of various proposed bi-lateral initiatives.

The *Impeccable* incident revealed a further vulnerability in China's media warfare campaign. After attempts to establish the dominant narrative failed, the CCP issued general objections to the US vessel's presence and operations but did not advance a detailed alternative narrative. The result was that the CCP "voice" was marginalized; its 'blanket assertions'[277] failed to gain equivalency with the US narrative and its legal argument failed to gain traction.

More recently, the release of video footage of the 2010 encounter between a Chinese fishing vessel and Japanese patrol boat in the Senkaku Islands

[276] See paper by Mr. Peter Mattis.
[277] See paper 2 by Rear Admiral James Goldrick.

demonstrated that the fishing vessel had deliberately and repeatedly manoeuvred to ride off the Japanese unit.[278] In this instance the Chinese reaction was muted as it was clear the vessel was fishing outside the zone agreed between the two countries and that the JMSDF was filming the event. This less aggressive posture informed Chinese pronouncements in 2012 but gave way in April 2013 to Chinese statements that the Senkakus were now a Chinese "core interest", indicating the regime now claimed them as Chinese territory and would consider military action to secure them.

The inconsistency and shifting arguments found in PRC messaging has reduced their credibility and led to the view that much of what is expressed is tactical *propaganda.*

In another media realm, China's manipulation of cyber-space has generated sharp cynicism. In the wake of contentious events, sympathetic Chinese are encouraged to post favourable messages while simultaneously hacking into Western sites[279] to remove messages that counter such messages. Such activities undermine Chinese credibility leading to the dismissal of favourable messages as the product of party activists.

China's unethical use of cyber space was recently detailed by the Virginia based cyber-security firm *Mandiant*, which identified a secret PLA Unit called 61398 located at a non-descript building in Shanghai. Known as the collective (or 'comment crew') the group has systematically stolen hundreds of terabytes of data from at least 141 organisations across 20 industries worldwide since 2006.[280]

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[278] Ibid

[279] See paper by Professor Philip Towle.

[280] Charles Riley. 'China's Military Denies Hacking Allegations'. February 20 2013. http://money.cnn.com/2013/02/20/technology/china-cyber-hacking-denial/index.html

Sharp and pervasive public criticism of China—both foreign and domestic-- in relation for such activities renders its media warfare efforts vulnerable. As China assumes a larger role in global affairs, the government is confronting heightened domestic criticism on sites such as *Sina Weibo*. *Weibo* is a micro-blogging website, similar to a hybrid of the western constructs Twitter and Facebook – and is one of the most popular sites in China. Sina Corp stated in its most recent earnings call at the end of 2012 that *Weibo* had 46.2 million daily active users. [281]The CCP routinely pays users to post favourable messages there and, from time to time, Chinese officials who have become too unpopular on *Weibo* have been dismissed from office.[282] Chinese efforts to forge a certain 'unanimity of opinion' and thus wrap the populace in an approved discourse that shields them from the questions and allegations of foreign journalists is consistent with the official ban on western websites including *Facebook* and Google's *YouTube* video, that have been inaccessible since 2009.[283]

While Chinese media efforts and perception management campaigns may have some hold over *domestic* opinion, a key objective is to influence *international* opinion. Here China's inability to deal with public criticism creates a vulnerability for the Three Warfares strategy.

Global public opinion polls such as Gallup and Pew often confront Chinese leaders with criticism that, while a routine part of western politics, is unprecedented in China. Compared to their western counterparts, Chinese leaders are ill equipped to respond to criticism or opposition comments with 'adroitness or sympathy'[284]. Harsh comments, at times by the PLA or the CCP or the MOFA have had the effect

[281] Paul Mozur. 'How many people really use Sina Weibo?'. *The Wall Street Journal*. March 12, 2013. http://blogs.wsj.com/chinarealtime/2013/03/12/how-many-people-really-use-sina-weibo/

[282] See paper by Professor Philip Towle.

[283] Ben Quinn. 'Google services blocked in China'. *Guardian.co.uk* November 9, 2012. http://www.guardian.co.uk/technology/2012/nov/09/google-services-blocked-china-gmail

[284] See paper by Professor Philip Towle.

of under-cutting China's periodic "charm offensives" and alienating international opinion. The implications of such counter-productive initiatives are addressed further in section 6.3.1 below.

In summary the four key vulnerabilities facing China's implementation of the media prong of its 'Three Warfares' campaign can be outlined as follows:

1. The rise of **personal mobile technology** and **social media networks –** this makes it more difficult for China to quickly broadcast its own narrative of events to frame the terms of debate. China's narratives are now vulnerable to corrections by videos and photographs via websites such as *YouTube*.

2. Reliance on **general assertions rather than details –** When the Party narrative is shown to be false, the government has proven unable to develop and release a detailed alternative narrative that can rival its counterparts. Here the PRC, unable to match the detailed Western accounts, is denied the 'equivalency' it would otherwise enjoy with western counterparts.

3. **Backlash against paid party hacks –** with messages that are favourable to the Party quickly dismissed as government propaganda on sites such as *Weibo* and thus failing to gain traction in domestic public opinion.

4. **Sensitivity to public criticism –**international opinion polls, such as *Gallup* and *Pew,* present public opinion and criticism in a data based format that is familiar to western governments but is unfamiliar to CCP officials.

6.2. Vulnerabilities in using Legal Warfare

China's manipulation of the law of the sea and its passage of domestic legislation to advance its South China Sea claims has rendered it vulnerable to international

legal proceedings. By pushing its claims in the South China Sea on the basis of its nine-dashed line and increasingly assertive actions as evidenced by the stand-off in Scarborough Shoal April 2012, China might have pushed one claimant a step too far. On January 22, 2013 the Philippines initiated an international arbitration process under UNCLOS, to which both nations are signatories.

The Philippine submission stated that the nine-dashed line was unlawful under UNCLOS and that China had 'interfered with the lawful exercise by the Philippines of its rights within its legitimate maritime zones'.[285] The Philippines' objective is for the tribunal to declare China's U-shaped line to be invalid. Here, the Filipino authorities took China and the other members of ASEAN by surprise and, despite China's rejection of the process, international arbitration will continue.[286] Furthermore when China acceded to UNCLOS, it never claimed an exception to, or stipulated that it would not accept the UNCLOS dispute resolution procedures. Thus the rules of the treaty deem it to have accepted arbitration.[287] When the arbitration process begins each party has the right to appoint one of the five members of the Arbitral Panel. The Chinese government had 30 days from January 22, 2013 to make such an appointment – a right which it refused, despite the opportunity to appoint a Chinese national. The rules of the arbitration procedure stipulate that as China has refused to participate, the President of ITLOS (Japanese Judge Shunji Yanai) will make the decision for China.

Professor Peter Dutton believes the Philippines' use of UNCLOS is a sign that Manila has learned two lessons about dispute resolution with China. First, that China is able and willing to use force, as reflected by the deployment of its

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[285] 'Philippines "to take South China Sea row to court"'. *BBC.co.uk.* January 22, 2013. .http://www.bbc.co.uk/news/world-asia-21137144

[286] Peter Dutton. The Sino-Philippine Maritime Row: International Arbitration and the South China Sea. *East and South China Seas Bulletin*. Number 10. P.1.

[287] Ibid P.2

maritime law enforcement fleet and large number of civilian vessels, in contrast to the few Filipino vessels, at Scarborough Shoal. Second, that when confronted with such superiority any negotiation over sovereignty or resource claims is futile unless 'power-based dynamics are replaced with a process in which the weak and the strong are equals'.[288]

To this end, the Philippines has submitted four specific claims[289] to be decided during the arbitration process. First, the Philippines asked the Arbitral Panel to determine that China's nine-dashed line in the South China Sea makes claims inconsistent with UNCLOS and, are thus, invalid. In this way, the Philippines wants to underscore that only international law (and not 'historic rights' for instance) can serve as the legitimate basis for maritime rights. The other claimants in the South China Sea, including Vietnam, Malaysia and Brunei could also benefit from this particular challenge. Second, the Philippines maintain that China's occupation of various coral projections in the South China Sea are, in fact, merely 'rocks' under UNCLOS definition and, as such, none of the Spratly features China has occupied are capable of legally generating resource zones, such as EEZs or continental shelves.[290]

Third, the Philippine move to arbitration aims to challenge Chinese constructions in four places in the South China Sea, including Mischief Reef, claiming that such structures are an illegal intrusion into the Philippines' continental shelf. Fourth, the Philippines maintains that China's recent harassment constitutes an interference with the Philippines' ability and right to access the living resources to which it is legally entitled – most notably the Scarborough Reef.

[288] Ibid P.2
[289] Ibid P.2
[290] Ibid

The Philippines's challenge to China's use of bogus law has, to some extent, put China on the back foot. Peter Dutton has identified four vulnerabilities.[291] First, despite China's repeated attempts to keep South China Sea issues off the agenda of multilateral organisations and Beijing's continuing stress on settling disputes bilaterally – its status as a member of UNCLOS has left it open to the risk of litigation.[292] Second, as the arbitration process proceeds, Beijing's various claims in the South China Sea based on 'historic rights' will be formally investigated and exposed by experts as legally unsupportable.

Third, legal proceedings against the Chinese government may have the unwanted consequence of alerting domestic nationalists that the government has 'lost control of a high profile issue to a small Southeast Asian state and a Japanese judge'.[293] Fourth, given China's rejection of the process, the arbitration panel will continue without China (and crucially, potentially without a Chinese panel member). This enables the Philippines to present itself as an equal to China by having used the legal process, and may convey the additional benefit of swinging international public opinion toward the Philippines.

Thus, the Philippines presents China with a trenchant challenge.[294] Analysts have identified four possible options.[295] First, China could alter its position and enter into litigation over the issues – but this would represent a reversal of its present position that South China Sea issues must be dealt with bilaterally. Second, China can ignore the process, refuse to participate and then ignore its results and declare the process as void. This would present the international community with a stark

[291] Ibid
[292] Ibid
[293] Ibid P.3
[294] Nearly a decade ago Vietnam sued China regarding China's actions in the Spratly and Paracel Islands. China countersued. China's changed posture since 2009 suggests that China now seeks to avoid submitting to a multi-lateral panel on claims issues.
[295] Ibid P.6

and disturbing example of China not playing by the rules. Moreover, it could precipitate a wave of responses similar to the Filipino challenge, with other South China Sea claimants promoting a rules-based order that undercut power disparities and gave them an 'equal weight'[296] against China.

Third, China may attempt to use coercion to compel the Philippines to stop the arbitration. However being seen to pressure a smaller claimant into abandoning a legally available course of action may foster unwanted negative criticism, exacerbating China's vulnerability to public criticism, and undermining China's own message that it is a 'responsible stakeholder'. A fourth option is for China to quietly negotiate with the Philippines, granting concessions (such as renewed access to Scarborough Shoal) in order to have the arbitration case to be withdrawn.

There are, however, potentially severe domestic ramifications for such Chinese actions regarding the South China Sea if the government is seen to be giving in to smaller claimants on an issue that has stimulated nationalist sentiment. This option also depends upon the Philippines' willingness to accept concessions and how Manila views the costs and benefits of this option.

6.3. Vulnerabilities in using Psychological Warfare

6.3.1. Diplomatic Exploitation

As outlined above, China's present diplomatic priority is to try to keep South China Sea disputes off the agenda of organisations such as EAS and the ASEAN Regional Forum and the ASEAN Summit. Analysts indicate that in meetings with Chinese officials and Beijing-based think tanks over the past several years, the

[296] Ibid P.6

repeated message has been that ‘there is no real problem other than one outsiders are artificially creating to pursue agendas of their own’.[297]

At the Shangri-La Dialogue, June 2011, after the Chinese harassed Philippine and Vietnamese survey vessels, Chinese Defense Minister Liang Guanglie declared the situation in the sea to be ‘stable’ and reminded delegates of China’s commitment to ‘peace and stability in the region’. To this end, China consistently reminds smaller littoral claimants of its importance in the region and points to the bigger picture of economic cooperation.

China’s use of psychological warfare through diplomatic channels is perhaps most evident in the failure of ASEAN foreign ministers, for the first time in ASEAN’s history, to issue a joint communique in July 2012. Significantly, participants at the ASEAN meeting were unable to agree on a text that included any mention of the South China Sea. In this instance, the fact that China’s close ally, Cambodia, was hosting the summit proved to be a major obstruction and is a stark example of Beijing’s influence over a multilateral body to which it is not even a member. Beijing’s ability to influence Cambodia to this extent is unsurprising given the $10 billion in aid China has provided its ally (China pledged ten times as much foreign investment in Cambodia as the US).[298] The fact that the venue for the ASEAN summit, the Peace Palace, was built with Chinese funds should have been a sign of what was to follow.

Among the vulnerabilities in using diplomatic channels to exert psychological pressure on other claimants is the attention this attracts. Beijing has paid a political price for being assertive as its actions have ‘facilitated greater US involvement

[297] Sarah Raine & Christian Le Miere. ‘Regional Disorder: The South China Sea Disputes’. *The International Institute for Strategic Studies. The Adelphi Series.* March 14, 2013. P.60.
[298] Bonnie S. Glaser. ‘China’s Coercive Diplomacy: A New and Worrying Trend’. August 6 2012. http://csis.org/publication/chinas-coercive-economic-diplomacy-new-and-worrying-trend

with the Philippines and Vietnam'.[299] China's neighbours have become nervous about whether today's actions provide a snapshot of how a 'fully risen' China will behave.

Furthermore China's psychological warfare efforts, in the form of diplomatic coercion, are not restricted to Asian nations. For instance, in response to the Norwegian Nobel Committee award of the 2010 Nobel Peace Prize to the Chinese dissident Liu Xiaobo, the Chinese foreign ministry not only warned that the decision would damage relations between China and Norway (even though the Nobel Committee is independent from the Norwegian government[300]) but also warned foreign diplomats that sending representatives to the Nobel Peace Prize award ceremonies would have negative consequences; with this eighteen nations decided not to attend.

Separately, Chinese psychological efforts have also taken the form of economic coercion. For instance, following the Nobel episode, China froze Free Trade Agreements negotiations with Norway and, reflecting the barriers imposed upon Filipino fruit imports, China imposed new veterinary inspections on imports of Norwegian salmon. Despite a 30 per cent growth in Chinese consumption of salmon in that period, the volume of salmon imports into China from Norway declined by 60 per cent in 2011.[301] Analysts highlight that a year after the Nobel Peace Prize ceremony, Chinese foreign ministry officials still refuse to meet representatives of the Norwegian government to discuss international developments and the former Norwegian Prime Minister Kjell Magne Bondevik

[299] See paper by Rear Admiral Mike McDevitt.
[300] Ibid
[301] Ibid

was denied a visa to enter China to attend a World Council of Churches meeting in Nanjing, June 2012.[302]

The Chinese response reflects a latent insecurity and perceived vulnerability within the top leadership concerning China's 'cultural security'. Many seemingly unrelated activities are seen by the CCP to be essential to Chinese security and its concept of 'comprehensive national power'.[303] (A nation's comprehensive power may be determined on the basis of metrics ranging from the military, economic and diplomatic to scientific and even cultural influence.)

To this end, China's reaction to the Nobel award to a dissident was perceived as another instance of western dismissal and denigration of Chinese civic values and culture. To this end former Chinese leader Hu Jintao stated in late 2011 that 'international hostile forces are intensifying the plot of westernising and dividing China, and ideological and cultural field are the focal areas of their long term infiltration'.[304]

6.3.2. Domestic Nationalism

Domestic nationalism has been identified as the source of considerable tension in the South China Sea.[305] China's foreign policy is deeply affected by domestic developments –and both are uniquely brought together by events in the South China Sea. Tapping into and harnessing nationalist elements in the Chinese populace to support the claim that the South China Sea forms part of China's 'historic waters' and is a symbol of Chinese 'indisputable sovereignty' provides the CCP and military officials alike with a sound political foundation for their policies.

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[302] Ibid

[303] Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder.* Number 2745. November 26, 2012. P.2.

[304] Ibid p.2.

[305] Ian Storey. 'Slipping Away? A South China Sea Code of Conduct Eludes Diplomatic Efforts'. *East and South China Sea Bulletin.* Number 11. Center for a New American Security. March 20 2013. P.2

It deflects domestic criticism[306] away from the government and onto foreign counterparts. Furthermore focusing nationalism on the South China Sea also binds the otherwise disparate social groups that make up modern China to a common national narrative. In this way, a foreign policy objective provides a platform for unity and cohesion.

Furthermore by emphasising China's historical ownership of an area promising vast reserves of gas, oil and mineral deposits, the CCP can also tap into the public's materialistic tendencies and stoke support for policies that enable access to new energy resources. Thus focusing domestic nationalism onto the South China Sea issue underscores both the CCP's domestic and geo-political agendas and facilitates progress towards China's strategic priorities. The driving force of these dynamics has been outlined by the US Department of Defense: 'competition over resources, including oil, gas and fishing rights, coupled with strong nationalistic sentiments continues to drive territorial disputes'.[307]

Importantly, a critical part of Chinese nationalism is the 'victim mentality' which forms one of the three historically determined lenses that influence China's foreign policy outlook, its perception of its security environment and its role in global affairs.[308] The victim narrative fosters an 'acute sensitivity to coercion by foreign powers and especially infringements (real or perceived) on its sovereignty'.[309] Sovereignty is thus at the core of how China sees itself with the '100 years of humiliation' and history of territorial loss engendering deep-seated suspicions of western counterparts among policy-makers and the public. Sovereignty over

[306] US Department of Defense. Annual Report to Congress – Military and Security Developments in the PRC 2011P.14
[307] US Department of Defense. Annual Report to Congress – Military and Security Developments in the PRC 2011 P.39
[308] Evan S. Medeiros. 'China's International Behaviour: Activism, Opportunism and Diversification'. *RAND Corporation.* 2009. P.7
[309] Ibid

territory thus legitimates the exclusion of threatening external powers from China while the loss of sovereignty delegitimizes the state and its sense of self-hood.[310]

Thus, despite its 'great power' characteristics – with status as a permanent UNSC member, its rapid military modernisation and sustained 8-10% annual GDP growth rates over the past three decades – an acute sensitivity to territorial integrity continues to pre-condition China's self-image and its perceptions of other powers' intentions.

Professor James Mayall, writing on nationalism, points out that China's actions in the South China Sea stem from a 'desire to leapfrog backwards' over what they regard as 'unequal treaties imposed on them by the Western powers and Japan, and based on what they regard as inappropriate legal concepts'.[311] For instance, when PLAN Commander Wu Shengli was questioned at a forum in Singapore over the tough Chinese commentary on regional affairs he responded: 'How would you feel if I cut off your arms and legs? That's how China feels about the South China Sea'.[312]

Some see the flip side of China's victim identity as 'national revitalisation'; that China, pointing to past dynasties, is determined to reclaim its status as a major regional power.[313] This image of China, combining victimhood and past greatness, fosters a strong entitlement mentality which informs China's 'rise' and its expected treatment by other nations.[314]

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[310] Lyle Morris. 'Incompatible Partners: The Role of Identity and Self-Image in the Sino-US Relationship' *Asia Policy, No. 13*, Jan 2012, p.144

[311] See paper by Professor James B. L. Mayall.

[312] Patrick M.Cronin. 'Cooperation from Strength: The United States, China and the South China Sea'. *Centre for A New American Security.* 2012. P.108.

[313] Evan S. Medeiros. 'China's International Behaviour: Activism, Opportunism and Diversification'. *RAND Corporation.* 2009. P.7

[314] Ibid P.7

Chinese domestic nationalism has ultimately proven to be a double-edged sword. Although nationalism can be used to shore-up CCP rule, it also curtails the party's freedom for manoeuvre on issues that are perceived as symbols of China's 'core interests'.

This has led to diplomatic complications particularly in the legal warfare arena. For example, China's rejection of the UNCLOS Dispute Settlement Mechanism may be traced to the worry that although Beijing believes there is some evidence to support its sovereignty claims of disputed islands, the UNCLOS court might not grant China full ownership. This would spark a sharp, potentially destabilizing nationalist reaction. The government fears it would be at pains to explain why it had submitted to a western-dominated system and must now must accept a negative decision.[315]

In any event, 'having decided to push their historic claims in the South China Sea…they [the Chinese government] may find it difficult to disengage without losing an unacceptable amount of face'.[316] The domestic perception of a 'rising' China and the accompanying sense of entitlement that pervades the public psyche raises the expectation that China will exhibit commensurately assertive actions in the pursuit of national interests. This may explain the Chinese government's reluctance to either affirm or deny reports beginning in April 2010 that senior Chinese officials (including State Councillor Dai Bingguo) had, in a March 2010[317] meeting with Deputy Secretary of State James Steinberg and NSC Asia Director, Jeffrey Bader referred to the South China Sea as a 'core interest'. Former Secretary of State Hillary Clinton remarked, at the US-China Strategic and Economic Dialogue in May 2010, that Dai Bingguo had repeated the reference of

[315] 'Stirring Up the South China Sea (I)'. *International Crisis Group.* Asia Report No. 223. April 23, 2012. P.4.
[316] See paper by Professor James B. L. Mayall. .
[317] Iam Storey. 'China Missteps in Southeast Asia: Less Charm, More Offensive'. *Jamestown Foundation China Brief*. December 7, 2010.

‘core interest’, leading many in Washington to believe that China’s resurgent nationalism had placed the South China Sea on a par with Tibet, Taiwan and Xinjiang Province (matters over which negotiation was impossible and where use of force was a possibility).

Such rhetorical adventures have heightened regional tensions, spurred a push back against Chinese assertiveness (with 12 nations raising the South China Sea issue at the ASEAN Regional Forum in 2010) and underscored Washington’s commitment to freedom of navigation as a vital US interest. It is a risky way of stating strategic priorities and begs the question of precisely which objectives are being served, for while the leadership may have mollified domestic nationalist emotions, it created a diplomatic quandary. There has been no easy way for Beijing to relieve regional anxieties. A clear, public denial that the SCS is a ‘core interest’ would have been seen as a retreat on an emotional issue affecting the legitimacy of the CCP.

Andrew Mertha points out that while nationalism has been a useful ‘tool to rally support for the regime in times of crisis or uncertainty’, there are problems in using nationalism in this way[318] (see Beijing’s current internal security strategy[319]). This vulnerability was evident in the need to carefully manage the ‘cyber-nationalism’ that erupted in the wake of the Senkaku incident 2012. [320] Nationalist impulses at the time limited the government’s scope of action while simultaneously leading neighbours to conclude that China’s aggression was government sponsored rather than a function of political activists.

Professor James Mayall observes that ‘above the level of patriotism there is a large body of ethnic Han sentiment, which in adverse circumstances, could be turned

[318] Andrew Mertha. ‘Domestic Institutional Challenges Facing China’s Leadership on the Eve of the 18th Party Congress’. *Asia Policy,* July *No.14 1-20*. 2012. P.16

[319] Murray Scot Tanner. ‘Beijing’s Evolving Internal Security Strategy’. US-China Economic and Security Review Commission. Feburary 3, 2006.

[320] See paper 2 by Rear Admiral James Goldrick.

against the government itself'.[321] Mayall outlines the two main variants of Chinese popular nationalism: liberal nationalists and traditional nativists.[322] While liberal nationalists are generally in favour of borrowing ideas from abroad and advocate policies that demonstrate China's strength internationally – nativists are anti-foreigner at both home and abroad.[323] Liberal nationalists have been the most adamant promoters of China's "Great Power" status and strongly support the military, especially its maritime modernisation.

Contributors argue that it is far from certain that the government will be able to contain its liberal and traditionalist nationalist critics in the event of a future crisis. If the government fails to deliver sustained economic growth, for example, the CCP could face a major internal challenge from an alliance between liberal and nativist nationalist elements. Thus 'it may only be a matter of time before popular anger was re-directed from the Japanese [over the Senkaku Islands] to the Party and its apparatus'.[324] Contributors identify this fear as the most likely reason why the state has begun to reign in anti-foreign demonstrations and to 'promote a pragmatic state version of nationalism of its own based on *realpolitik*'.[325]

Finally, nationalism has had a 'deleterious effect' on China's attempts to cultivate soft power. While the people may feel nationalist expression is justified to salve the historic injustices the nation has endured, for those outside China nationalist emotions can reinforce negative stereotypes.[326] Therefore, 'the nationalism fostered in China [presents] precisely the opposite of the image it is intended to convey:

[321] See paper by Professor James B. L. Mayall.
[322] Ibid
[323] Ibid
[324] Ibid
[325] Ibid
[326] Ibid

rather than strength, this nationalism implies weakness, particularly in the state's ability to contain Chinese society's insatiable expectations'.[327]

PART 7: COUNTERMEASURES TO THE THREE WARFARES

The US security presence in the Western Pacific including relations with allies and friends in East Asia, from Japan to Malaysia to the Straits of Malacca, is now in play. Beijing's objective is to push the US out beyond the First Island Chain by 2015 and beyond the Second Island Chain by 2050. China asserts that the Western Pacific, the area west of Hawaii, falls within its sphere of influence just as the US regards the Gulf of Mexico to be within its sphere of influence. China wishes to consolidate its regional primacy and resolve what it regards as the "dual loyalties" of several nations on the South China Sea littoral.

The CMC and the PLA have endorsed the Three Warfares as the leading military technology to reach their regional objectives. This tri-part policy dynamic presents a broad challenge extending across the legal, informational and psychological

[327] Andrew Mertha. 'Domestic Institutional Challenges Facing China's Leadership on the Eve of the 18th Party Congress'. *Asia Policy,* July *No.14 1-20*. 2012. P.16

realms and will show increasing effectiveness if Washington does not take decisive steps to strengthen its strategic communications and public diplomacy programs, and mount forceful legal challenges to China's 'lawfare' efforts. Failure to neutralize China's Three Warfares will result in the US being outmanoeuvred in this vital regional space.[328] Among Washington's regional priorities in 2013 must be to refine and deploy effective countermeasures to the Three Warfares. China's destabilizing actions in the region since 2009 have left a receptive environment for focused, effective US initiatives in each of the Three Warfare areas. Every effort should be made to seize the current opportunity.

Having defined the Three Warfares, analyzed how they impact US force projection and determined the manner in which their use renders China vulnerable in specific areas, we proceed to identify counter measures that build on these vulnerabilities. In Part 8, we link the counter measures to a broader strategy for the region.

7.1. Countermeasures to Legal Warfare

China's lawfare argument is distinctive in both content and form. The content of China's argument arises from a notion of sovereignty that is not found in Western thought. Quite distinct from the principles flowing from various European treaties, including the Treaty of Westphalia, China regards dynastic lands that were at one time within the suzerain orbit of the Chinese imperium to be Chinese sovereign territory today. Study contributors Malik Mohan, Justin Nankivell and James Mayall each address aspects of this phenomena, including the key point that the notion of sovereignty pertains only to land areas. The US Convention of the Law of the Sea does not use the word "sovereignty" to describe the status of waters continuous to land areas. Instead the following distinctions are provided:

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[328] Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder.* Number 2745. November 26, 2012. P.1.

- Coastal waters – the zone extending 3 nautical miles (nm) from the baseline. (The baseline is either the low water mark or a straight line drawn across a harbor or mouth of a bay).
- Territorial sea – the zone extending 12 nm from the baseline.
- Contiguous zone – the area extending 24 nm from the baseline.
- Exclusive Economic Zone – 200 nm from the baseline.

The elements of China's legal argument claiming 'sovereignty' are: 'historic rights to sovereignty', domestic legislation, and an interpretation of UNCLOS regarding freedom of navigation that violates UNCLOS regulations for rule changes and exceptions. From this tenuous foundation China advances a series of overlapping legal arguments that shift from one frame to the next as required to fill gaps in legal validity.

As outlined in Part 2 above China uses its legal warfare prong to address two critical issues: Territorial sovereignty and Freedom of Navigation.

In response to this two-track challenge, the US should launch a counter-challenge that asserts the primacy of UNCLOS, and more broadly, the authority of global legal institutions including the International Court of Justice and the UN. Here Washington must advance a high profile public argument that insists that challenges relating to territorial sovereignty, jurisdiction, international rights in the EEZ and the Freedom of Navigation can be resolved only in such recognized venues.

With reference to China's use of lawfare, the following counter measures are in order:

i. Assert there is no basis for China to claim 'historic rights' and challenge the use of self-serving maps. Reference legal experts and facilitate their appearance in the media.

Professor Mohan Malik (APCSS) asserts that China's argument is not supported by history. Professor Malik details that no nation can claim sovereignty over islands or reefs on the basis of history as, crucially, empires did not exercise sovereignty. Sovereignty is essentially a European concept, originating with the 1648 Treaty of Westphalia which gave rise to the notion of state sovereignty, a defining aspect of which is clearly defined boundaries. Prior to the 17th Century and in pre-modern Asia, imperial frontiers were 'more like circles or zones'.[329] Kingdoms exercised decisive power at the center and diminishing power in suzerain areas until the writ ran out at the periphery. China's historical claims, thus, attempt to distort a concept pertaining to land territory in hopes of making broad claims to the South China Sea, its islands and resources. In fact, access to, and possession of, these valuable assets is governed by UNCLOS. Hegemonic influence, tributary relationships and suzerain arrangements provide no basis for contemporary claims of ownership.[330] The US must widely publicise that contrary to Beijing's assertion, China has the same right to claim the South China Sea as sovereign territory as Mexico has the right to claim the Gulf of Mexico as its own – that is, no right at all.

ii. Promote a global and regional discussion of sovereignty.

Peter Mattis believes the perceived 'reasonableness' of China's position[331] derives from China's clever use of the law. By promoting a discussion of sovereignty and its mid-twentieth century origins in both official and public circles, the US would target the core of China's historic entitlement argument. US officials should aim to

[329] See paper by Professor Mohan Malik.
[330] See paper by Professor Mohan Malik.
[331] See paper by Mr. Peter Mattis.

frame answers to China's claims in a way that precipitates a broad discussion in the US and abroad that publicizes 'expert impartial legal judgement about the issues at stake'.[332]

iii. Promote education on pertinent historical facts[333] including UNCLOS' role and China's aspirations.

Peter Mattis and others argue that key aspects of China's lawfare campaign should be challenged on a global media platform to combat the 'false equivalency' inherent in western 'objective' media reports. Some have presented China's deliberately inaccurate readings of international law and misrepresentation of historic concepts such as sovereignty, on a par with arguments that enjoy legal validity and historical accuracy.

iv. Counter China's position regarding the rights of foreign navies in the EEZ:

Insist on legal transparency and open discussions in public fora. Contributors argue that the US should mobilize affected states to place the Chinese legal case and its policy ramifications firmly in public domain. The US must assume a secondary role in this process to prevent Beijing from portraying the process as a US hegemonic exercise or part of a wider strategy of containment. A united ASEAN could well be the most effective prime mover. (While factional disputes within ASEAN would have inhibited this effort last year, with Brunei taking over ASEAN's annual rotating chairmanship from Cambodia and a new Secretary-General in the form of former Vietnamese diplomat, Le Luong Minh, the US may make progress in 2013). [334]

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[332] Ibid
[333] Ibid
[334] Bandar Seri Bagawan. 'All change at ASEAN'. *The Economist*. February 9, 2013. http://www.economist.com/news/asia/21571461-hopes-calmer-times-under-years-new-management-all-change-asea

Professor Justin Nankivell argues that the key question to be posed in the international forum must be: ‘Why, and on what grounds, is this maritime area China’s?’ To this end, Professor Mohan Malik’s argument undercutting China’s ‘historic’ claims should be publicised. Further, China’s insistence that freedom of navigation be curtailed in its claimed jurisdictional zones must be properly framed and widely publicized. In addition the US must ensure that China’s practice of conducting military activities in the EEZs of foreign states, without the consent that China so fervently demands, is publicized. Analysts acknowledge that while some 26 states oppose certain forms of military activities in states’ EEZ (include quote here), the vast majority find such activities acceptable.

v. Use legal conventions and symposia to publicize pertinent facts about the development and implementation of international law.

The deliberate and accepted procedures that typify the making and modifying of international law must be emphasized and compared to China’s unilateral re-interpretation of UNCLOS provisions. Accepted procedures allow for amendments to a convention should situations arise that were unforeseen at the time of the original negotiation, but strict rules and procedures apply to the formation, modification and interpretation of treaty law. It must be stressed that ‘a single nation may not causally and unilaterally re-interpret provisions of a treaty or convention merely because that nation subsequently experiences “buyer’s remorse”.[335]

vi. Incorporate legal warfare countermeasures into US operational planning and training.

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[335] Jonathan Odom. ‘A China in the Bull Shop? Comparing The Rhetoric of a Rising China with the Reality of the International Law of the Sea’. Ocean and Coastal Law Journal. Volume 17, Issue 2. 2012 p.207

Michael Pillsbury makes the point that to ensure that the US is able to match the PLA's ability to wage its Three Warfares under a unified command structure, countermeasures to legal warfare must be incorporated into US operational planning and training.[336] Pillsbury points to Israeli 'operational verification' measures as an example of an effective legal countermeasure program. These measures provide Israeli combat units with trained documentation teams. In order to counter charges of illegal activities, these teams provide real-time documentation of military activities. While contributors acknowledge that such a move, in effect, cedes the initiative to opponents, as it grants them a measure of credibility by viewing their charges as something that requires rebuttal, having on-hand legal teams that can swiftly invalidate China's claims may go some distance in preventing China's lawfare arguments from gaining traction.

vii. Frame the Sansha City incident as a PRC vs. ASEAN matter.

China's innovative use of "lawfare" in the Sansha City case is disturbing. It is a 'legal' artifice that allows China to structure claims and conduct such seizures as on Hainan Island, on any island territory within the 'nine-dashed line' area of the South China Sea. The most effective countermeasure to this egregious seizure would be for ASEAN, as a concerned regional forum, to respond. The current shift in Chairmanship from China's ally, Cambodia, to Brunei may present an opportunity to do this.

viii. Promote the use of UNCLOS Dispute Settlement Mechanism and support the Philippine effort to bring China to international arbitration.

As outlined in Part 6.2 above, China's lawfare arguments are vulnerable to rejection by recognized legal experts. Beijing's attempted manipulation of

[336] Dean Cheng. 'Winning Without Fighting: Chinese Legal Warfare'. The Heritage Foundation: Backgrounder. Number.2692 May 18, 2012 p.10

international legal norms renders it liable to reversal in the courts and dispute resolution mechanisms where action can be brought by other, smaller claimants.

US and international support for the Philippines should be highlighted. The message should be that disputes in 2013 can and must be resolved in recognized fora and in conjunction with established law. In this way, other regional littoral claimants will be encouraged to pursue arbitration.

ix. **Join UNCLOS. US CREDIBILITY WOULD BE MARKEDLY ENHANCED IF THE SENATE APPROVED SUPPORT FOR UNCLOS.**

x. **This discussion of counter measures to Lawfare is concluded with** the observation that **defensive measures alone are not adequate.**

China has mounted an assault on the legal structure that has facilitated its economic rise and also the rise of many others in the region and around the world. China's objective, like the Jacobins in 1789 and the Bolsheviks in 1917, is to remove the legal and institutional architecture and replace it with new "China-friendly" legal concepts or law with "Chinese characteristics". Given China's dysfunctional legal system, those who would be subject to such a regime should be made aware of China's direction and the choice Beijing poses. This should be done through intense diplomacy, global media, and sustained, direct criticism of China's domestic legal process. Tibet, corruption cyber-theft, intellectual property offer places to start.

7.2. Countermeasures to Media Warfare

Effective use of the media is critical to fostering mature legal dialogue and greater legal transparency. To counter Chinese domestic and international propaganda and

neutralize efforts that would diminish support for the US in the region, contributors highlight the urgent need to overhaul and expand the US public diplomacy program. Four components have been identified as vital to a strategy to counter China's media warfare efforts:[337]

i. **Visa parity for American journalists is essential**. Hundreds of Chinese journalists representing state-owned media outlets operate in the US. Reciprocal access for US media is not granted. In view of the strategic role of information today, agreement must be reached on equal representation. If China does not provide the US media the same access accorded Chinese media in the US, the USG should reciprocate by cancelling their visas and limiting them to the same number the US media has in China.

ii. **Expand the US Public Diplomacy Program. The Public Diplomacy Program has been neglected by policy makers in Washington who have failed to realise that in 2013 it is not whose army wins, it is whose story wins.** This is a lesson that has not escaped our Chinese protagonists.

The current public diplomacy program has proven ineffective. Public diplomacy leadership positions must be filled without delay to ensure a new approach is conceptualized and implemented. Neither the Congress nor the administration has absorbed the decisive role information plays in 21st Century power projection. Analysts note that while the US Broadcasting Board of Governors' Strategic Plan 2012-2016 seeks to elevate the Voice of America and Radio Free Asia to be one of the 'world's leading international news agencies' by the year 2016, **the more important issue is to determine what objectives we want to reach and how we get there....a basic ends-ways-means approach to using VOA and RFA as US tools**. It is well to remember Eisenhower's concept of the USIA, namely that it was

[337] Dean Cheng 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. The Heritage Foundation: Backgrounder. Number 2745. November 26, 2012. p.6-8

not in the journalism business, per se, as conceived under the constitutionally-protected free press. It was an instrument of US foreign policy.

iii. **Sustain funding for military information support operations** (MISO). MISO develops and administers communications programs designed to support USG and DOD activities and policies. MISO operations provide programming to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. MISO is facing possible budget cuts.

iv. **Military public affairs officers** (PAO's) should receive improved strategic communications and public diplomacy training in order to respond to Chinese political warfare efforts and, when possible, seize the initiative.

In addition to these four components certain other countermeasures should be undertaken:

v. **Expand and deepen interaction with the editorial boards of major global news organisations.**

Actively expand relations with news organisations around the world, such as the BBC, *Le Monde*, the Globe/Mail in Canada and Al-Jazeera with the goal of avoiding 'false equivalency' situations that place Chinese arguments—based on revised history, bogus law and political aspiration—on a par with reporting from multi-source global news outlets. Initiatives of this type could help to educate editors and journalists on the details of the issues at hand and enhance the structure and strength of the US argument.

vi. **Conduct regular briefings on the situation in the South China Sea to generate a discourse to which the PRC must respond.**

Take a leading role in the publication of reliable, informative information (as pointed to in component 2 above) to educate global publics on the US position and the nature of the Chinese challenge. In this vein, publish a short easily understood document that outlines the important parts of the UNCLOS treaty and describe how they have been the object of Chinese manipulation and re-interpretation. This could function as a prophylactic to safeguard against Chinese propaganda efforts.

vii. Underscore the point that it is the American commitment to the South China Sea region and "freedom of navigation" that allows China to claim that freedom of navigation has not been hindered.

vii.3. Countermeasures to Psychological Warfare

Given that Chinese psychological warfare efforts target an opponent's motivation and willingness to wage war[338] US countermeasures must target the methods employed by the Chinese to achieve these goals. Chinese psychological warfare efforts seek to:[339]

1. Diminish the credibility of opposing leaders.
2. Diminish international support enjoyed by opponents.
3. Undercut an opponent's military capabilities.
4. Sow domestic political dissent within an opponent's society.
5. Negatively affect an opponent's economy.

[338] See paper by Mr.Timothy Walton.
[339] Ibid

i. Communicate a message of <u>reassurance</u> via PACOM.

The US needs to be continuously mindful of the anxiety felt by East Asian nations about China's intentions. Washington must portray a message of confidence and reassurance, with 'no hints of uncertainty, even in private'.[340] Through media and official press channels PACOM needs to forcefully assert that the Chinese *will not* push the United States out of East Asia. The US must dismantle China's 'New Concept of Security' by arguing that the US system of regional alliances is the key to stability in East Asia. It acts as a bulwark and deterrent against aggression. China's concept of security neither deters nor prevents aggression.[341] PACOM must underscore to East Asian nations that a nearby hegemon, such as China, is far more dangerous to local states than a distant power such as the US, which has no territorial ambitions in the region.[342]

ii. Issue constant region-wide reminders of US capabilities and improvements.

Analysts argue that much should be made of each newly commissioned ship that joins the Pacific Fleet and any additional USAF capability assigned to PACAF.[343] In this manner, US allies are provided with tangible evidence to support the US rhetoric of reassurance and increased capability.

If, for example, the US is to have access to the new seaport and adjoining runway being re-built at Pagasa Island in the southern Philippines, a formal announcement should be made by the Philippine government with the statement that the facility

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[340] See paper by Rear Admiral Mike McDevitt
[341] Ibid
[342] Rear Admiral James Stark comments in discussions with Project Director
[343] Ibid

will be available to the US or that construction of the facility was made possible by US financial assistance—or both.

iii. The US must **establish a baseline of acceptable conduct** in the region and at sea so that PRC decision-makers know that when they violate international norms, the US will respond.

An ‘order at sea’ regime should thus be established in the key operating arenas of both the US Navy and PLAN. To this end, PACOM headquarters and the Joint Chiefs of Staff should be urged to agree upon a realizable set of objectives to establish a Sino-American version of the UNCLOS Declaration for Conduct of Sea.

iv. **Maintain a regular schedule of transit and over-flight by US vessels and aircraft through China’s claimed EEZ without requesting prior approval.** The US must **regularize Freedom of Navigation operations** in the South China Sea and the East China Sea. The US should establish a baseline number of these missions during periods of calm.[344] In this way the US can express concern or otherwise by increasing or decreasing, respectively, the numbers and types of missions’.[345] Such exercises should also be timed to respond to excessive PRC behaviours, such as the cutting of towed arrays or interfering with another country’s legitimate oil exploration efforts. (Such events should be reported fully, completely and accurately to off-set Chinese political propaganda).

[344] Lieutenant Colonel Kevin Koerner * Major James Baker. ‘Gray on White: How China’s use of the “Three Warfares” affects U.S. Pacific Command’s ability to execute its mission’. 2012. P.15
[345] Ibid

v. **Consider a Pacific equivalent of** the Cold War era's **'Standing Naval Force Atlantic'** (or what is now known as the Standing NATO Maritime Group One).

This force could be of similar composition, with 4 to 6 destroyers and frigates, with the navies of key East Asian states (subject to capability) each contributing 1 ship on a permanent basis. These ships could be joined periodically by ships from those East Asian nations unable to permanently commit one vessel. This force could operate, train and exercise as a group in the South China Sea and Western Pacific, to provide a daily verification of the appropriate maritime procedures in place.

vi. **Maintain US Navy Carrier Presence. USN should use the opportunity of CVN transits to the Mideast and the Indian Ocean** from the US West Coast for exercises, training and FON operations in Southeast Asia.

vii. The US should **'de-link' the short policy cycle from the longer operational planning cycle**[346] concerning the FON operations and reconnaissance missions.

viii. The **US should avoid cancelling planned exercises** when senior officials visit Beijing as this conveys a mixed message and is damaging to US efforts to consistently portray confidence and reassurance to other South China Sea claimants. The temporary halt of reconnaissance missions or FONS is 'conceding, however falsely, that such missions are an irritant in US-China relations and that they are negotiable….This type of temporary cessation communicates to US partners and allies that such missions are negotiable if the political effort with China is important enough'.[347] By remaining

[346] Ibid P.20
[347] Ibid P.15

consistent in its own actions, the US can deny China from capitalising on certain time-frames where the US navy may be reluctant to act.

ix. The US should establish a **procedure for incident management**. When an incident such as in Scarborough Shoal occurs, there should be an **immediate and dramatic increase in security assistance to the affected nation.**

x. Reinforce US 'Air-Sea Battle' concept.

Analysts urge the issuance of a forthright statement to the effect that the US 'Air-Sea Battle' concept while classified and thus not available for open discussion, *will be effective* in countering China's A2AD system.[348] Thus the US would push back against China's psychological attempt to sow doubt among US allies by pointing to a specific initiative, that demonstrates in concrete terms, that the US is committed to securing access where tactically indicated.

This should be linked to the Administration's "rebalancing" to Asia policy now underway and which will see the US Pacific Fleet comprise some 60 per cent of US Navy strength. Contributors thus identify 'Air-Sea Battle' as a key PACOM 'psychological weapon'.[349]

xi. Issue targeted statements that extend beyond clarification of US policy and intentions.

Take steps to directly counter Chinese statements and justifications for offensive and illegal PLA operations.[350] Contributors make the point that each time a Chinese official or authoritative person alleges, for example, that the US seeks to contain China, an authoritative US spokesperson should respond with a statement

[348] See paper by Rear Admiral Mike McDevitt.
[349] Ibid
[350] Ibid

to the effect that : 'The rebalance is *not at all about China*, nor is it an attempt to contain China. In fact, anyone who knows anything about Asia realises that none of China's neighbours would support a containment strategy'.[351] In this way the US can start to undermine the *thematic frames* China uses to ground its media releases in broader trends that some see as threatening to Chinese and Asian interests. Rear Admiral James Stark adds that the US should also point out that the objective of the Asia rebalance is to ensure fair treatment of all nations in the region so that they are not intimidated by larger, more powerful neighbours.[352]

xii. **Publicize China's manipulative attempts to prevent ASEAN unity and its criticism of the PRC's South China Sea policy and claims.** China can prevent ASEAN from achieving unity but achieving this will involve more than the quiet rustling of batik silks. China incurs a public relations liability in this venue that can be exploited.

xiii. **Conduct US Interagency discussions to convey that a maritime crisis in the South China Sea could be complex and may not remain self-contained.** In this way, the US can ensure that its own teams are 'mentally prepared' for the style, flavor and format of China's approach to maritime crises in the South China Sea region and expect the complexities inherent in its application of the Three Warfares. This would assist early planning for broad, whole-of-government and regional responses.[353]

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[351] Ibid

[352] Rear Admiral James Stark comments in discussions with Project Director.

[353] Lieutenant Colonel Kevin Koerner * Major James Baker. 'Gray on White: How China's use of the "Three Warfares" affects U.S. Pacific Command's ability to execute its mission'. 2012.P.20

xiv. Provide **increased security assistance** to enable Taiwan, Korea, the Philippines and other regional players to sustain themselves with added confidence.

In the sense that our story must "win", every effort must be made to heighten awareness of the US security presence in the public mind, and particularly among regional publics. Determined efforts are required to continue to cultivate the US-Japan relationship, which is now improving after a decade of near neglect. Relations with South Korea must also be nurtured. Taiwan, a special case, must be assured of continuing US support both for psychological and strategic reasons; Taiwan is a key to maintaining control of the First Island Chain. It vexes PLAN planners and prevents the PRC from fully developing its plans for the Western pacific.

xv. Increase economic and commercial relations with ASEAN nations.

To bolster US allies and other littoral states in the South China Sea the US should expand its economic and commercial relations with ASEAN nations to diminish the potential psychological impact of any economic/commercial coercion China might employ. This should be accompanied by an increase in security assistance immediately following such incidents as occurred at the Scarborough Shoal, April 2012. The lesson intended for Beijing is that aggressive action against US friends and allies will be met with immediate and significant increases in security assistance. The US should seek to heighten, and make more compelling, its regional profile - not simply via a greater media presence but through expanded trade and investment in the nations on the South China Sea littoral. Here steps to be taken include extensions of credit and management assistance for infrastructure

and commercial development, and possibly subsidies for US firms to off-set some of the cost of operating at great distances and in difficult circumstances.

Rational policy would suggest that Washington move to match China's commercial and trade initiatives to the extent possible, that the US simplify and speed the processes by which credit and development assistance are provided in order to off-set Chinese soft power and to forestall situations where China is able to gain control of local economies and trade links. Curtailing Beijing's influence in these areas diminishes the prospect that Beijing's media warfare will be well received in the event of a contingency.

xvi. **Ensure cooperation with India on projects that maintain stability and build collective capacities –**in response to natural and man-made disasters, piracy, terrorism, pandemics and other non-traditional threats.[354] These activities efforts may go some way to guarding against the most troubling elements of China's 'String of Pearls' strategy in the IOR by providing a psychological boost to the Indian rank and file by enhancing confidence in their own operational capacity in the region while improving the available mechanisms for coordinating, communicating and support for USN assets during crises.

xvii. **Maintain strong, high profile, US support for multi-lateral institutions** including ASEAN, the Asian Development Bank, APEC, the TPP and others is essential to diminish the full impact of China's psychological warfare initiatives on individual states. Over the next decade Washington should work to ensure that the locus of regional dispute resolution remains separate from bi-lateral exchanges where China can exert psychological pressures via financial, commercial, trade, diplomatic and security links.

[354] Ibid P.3

xviii. **Exploit the successes of the Military Maritime Consultative Agreement (MMCA),** which serves as a routine, bilateral forum between the US and PRC on military maritime safety.[355] The US should seek to push back against China's psychological targeting of platforms that underscore Sino-American cooperation. The US needs to consistently convey that while the forum cannot solve all maritime safety issues, it has value, promises to advance the bilateral military relationship and that both nations would be worse off without it.[356]

xix. **Publicise the importance of a US naval presence off the coast of the Korean Peninsula.** While Beijing may dispute the efficacy of US naval operations in deterring North Korean provocations, it is clear that the PRC will not deter North Korea by itself.[357] The US should highlight China's strategic dependence on the USN. Furthermore both South Korea and Japan are unlikely to tolerate endless North Korean provocations and US presence discourages Tokyo and Seoul from escalatory responses—which is in Beijing's interest.[358] The absence of US naval vessels would arguably have the opposite impact – making PRC vessels less secure. The US should push back against Chinese attempts to psychologically condition regional players against a strong US naval presence, by underscoring the US role in ensuring China's safety in a potential DPRK contingency.

xx. **Consider the idea of a "Group Sail" in the South China Sea.**

The idea of a Group Sail is not widely supported by contributors although it has been mentioned several times in discussions at PACOM and APCSS and at the

[355] Ibid P.10
[356] Ibid P.20
[357] Ibid P.8
[358] Ibid

USNWC. Were such an initiative to be taken it could, perhaps, include vessels from nations on the South China Sea littoral together with vessels from India, Australia and others.

The benefit of such an exercise would be to demonstrate an international commitment to freedom of navigation in the South China Sea. It would internationalize the issue in dramatic terms making it very difficult, if not impossible for China to sustain claims of sovereignty in the 2.5-3.0 million square miles within the 'nine dash line'.

Peter Mattis points out this proved useful recently in countering Iran's talk of mining the Strait of Hormuz. In this instance, CENTCOM organised an anti-mining exercise that ran through the Persian Gulf and ultimately involved 35 countries from Canada to Singapore. The exercise made no reference to Iran but did have the effect of stopping further threats by Tehran to mine the Hormuz. This exercise enabled the US to 'improve countermine capabilities and publicly signal the [Iranian] regime against any naval provocations'.[359]

It is suggested that such an exercise model for the South China Sea, were there to be one, should proceed with reference to something specific and dangerous that China is doing or saying without mentioning China so that other countries are free to join.

A more realistic option may be **CARAT (Cooperation Afloat Readiness and Training),** the annual naval exercise. Here a small US Navy Task Force conducts a rolling series of bilateral military exercises between the US Navy and the armed forces of Bangladesh, Brunei, Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand, with Timor Leste recently joining for the first time in

[359] Michael Knights. 'Political-Military Challenges of Demining the Strait of Hormuz'. *The Washington Institute: Policy Analysis.* September 28, 2012.

2012. This exercise is supervised by the Seventh Fleet's Task Force 73 commander permanently stationed in Singapore.[360] This exercise could possibly be extended to include others such as Vietnam, in order to underscore the on-going US commitment to the region. (The US Pacific Fleet has overseen this exercise for 18 years).

xxi. The US must continue to prioritize cyber-security.

The Department is well aware of the threat posed by the PRC effort and has taken steps to address it.

[360] See paper by Rear Admiral Mike McDevitt.

PART 8: LINKING A US STRATEGY OF OFFSHORE CONTROL TO THE THREE WARFARES COUNTERMEASURES

'If the United States does not counter Chinese political warfare efforts, it may well find that its access to the Western Pacific is endangered by a lack of regional support – long before American forces even begin moving toward the area'.[361]

8.1. Linking US Countermeasures to a US Strategy for the Western Pacific and South China Sea

There exists the unlikely prospect of a Sino-American conflict over the US presence in the Western pacific and the South China Sea.[362] T. X. Hammes at the National Defense University, Sean Mirski of Harvard Law School and John Hattendorf of the US Naval War College, among others, have given thought to strategies to negate or ameliorate the potential negative effects of China's A2AD efforts. Our purpose here is to briefly describe those approaches and to consider the possible interface between a strategy for the Western Pacific and the South China Sea, and the countermeasures discussed in Chapter 7. This provides context to the discussion of "countermeasures" and a rational point of departure for planning how best to utilize US assets acquired in response to the Three Warfares.

Solutions to operating against China within and around the First Island Chain in an A2AD environment are premised on the **U.S. ability to maintain allied support** for what we judge to be legitimate security concerns. The Three Warfares seek to

[361] Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. The Heritage Foundation: Backgrounder. Number 2745. November 26, 2012. P.2.
[362] Sean Mirski. 'Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China'. Journal of Strategic Studies. 2013. p.1

undermine these solutions in two ways.[363] First, the Three Warfares seeks to undermine the legitimacy of positions which the US is prepared to back with the use of force. Second, it seeks to undermine allied willingness to support US endeavors. Moving forward with any variation of "Offshore Control" thus requires that a counterstrategy to China's Three Warfares ensures that the assumptions underpinning such an approach remain valid for planning and operations.

8.1.1. A Strategy of Offshore Control

The Hammes strategy, called "Offshore Control", involves the execution of naval blockade that would create a 'no-man's sea between the Chinese mainland coast and the First Island Chain'.[364] China would thus be denied a safe haven in these waters and the USN would measures to deter or sink PLAN units should the PLAN attempt to interfere either with freedom of navigation in the designated waters, or seek to control or claim the First Island Chain.

The 'no-man's sea' would, in effect, prevent China from importing needed energy and raw materials while cutting off revenues derived from exports. Closing the sea lanes in this area would impose debilitating pressure on China's economy but without damaging the mainland's infrastructure. An advantage of the Hammes strategy is that it considers how escalation might be constrained and how the conflict might be terminated without either side losing "face".

China depends on imported raw materials to export finished goods; trade dominates China's export-oriented economy – making up 52.1% of China's GDP (of which 90% is seaborne).[365] Not only is China the world's largest exporter of

[363] Peter Mattis comments in discussions with Project Director
[364] John B. Hattendorf. '"Offshore Control" in East Asia using a war-at-sea strategy'.as part of 'A Flotilla to Support a Strategy of Offshore Control'. *Naval Postgraduate School.* 2013. P.40
[365] Sean Mirski. 'Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China'. Journal of Strategic Studies. 2013. P.4.

merchandise goods ($1.6 trillion in 2010) but it is also the world's second largest importer of merchandise goods ($1.4. trillion in 2010) and the world's third largest importer of natural resources (totalling $3.3 billion in 2008). In addition, China's energy security is closely tied to its reliance on imported oil, with China purchasing almost 60% of its oil abroad in 2011. The industrial and transportation sectors are completely reliant on oil; 90% of that oil is transported via maritime means.[366] A naval blockade strategy would thus enable the US to target China's greatest national strength – its export-oriented, economic growth model – by choking off most of the nation's maritime trade.[367] The objective would be to debilitate the nation's economy and bring Beijing to the negotiating table.

In his paper 'Offshore Control: A Proposed Strategy for an Unlikely Conflict' Hammes sets out the two core phases by which China's economy can be targeted: Denial and Dominate.

1. <u>The Denial Phase</u>[368]

In this phase the First Island Chain will be declared a maritime exclusion zone with the warning that any vessels operating in that zone will be sunk. The passage of large cargo ships and tankers (who would lose their insurance coverage) through the area would stop thus delivering a crippling blow to China's export trade. The core objective would be to maintain control of the First Island Chain.[369] This will be implemented primarily using attack submarines, mines and a limited number of air assets. .[370] Should US space and cyber capabilities be damaged, surface search radars and high frequency radio would be used in support of the mission.

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[366] Ibid
[367] Ibid P.5.
[368] T.X. Hammes. 'Offshore Control: A Proposed Strategy for an Unlikely Conflict'. *Strategic Forum.* June 2012. p.5.
[369] Comments by Rear Admiral Stark in discussions with Project Director
[370] Ibid

During this phase, the US would provide assistance to allied convoy operations to ensure that the movement of vital imports and exports are not interrupted by Chinese interdiction efforts. Importantly, the commitment of US allies however would extend only to granting the US permission to position defensive systems on their territory for the specific purpose of defending that territory across the land, sea and air battle-space. Here Hammes envisions the small islands from Japan to Taiwan and Luzon as providing 'dispersed land-basing options for air and sea Defense of gaps'[371] within the First Island Chain.

2. The Dominate Phase

In the second phase of the campaign of economic attrition, the US would act to dominate key sea lanes and choke points to control the flow of critical imports and exports. A key advantage of this strategy is that most Chinese exports are not regarded as critical items by global consumers; for example, China no longer has a monopoly on rare earths[372]. To this end, Hammes' strategy assumes that there will be a rapid realignment of supply and demand markets worldwide so that the US can proceed with the Offshore Control strategy without incurring substantial pressure from other nations.[373]

Hammes details the combined use of ground, naval, air and rented commercial platforms to intercept and divert the super-tankers and post-Panamax container ships[374] that are essential to China's economy. The key route through the Malaccan Straits (through which 80% of China's imported oil transits) would be severed through allied control of the Malaccan, Lombok, Sunda Straits and the routes both

[371] T.X. Hammes. 'Offshore Control: A Proposed Strategy for an Unlikely Conflict'. *Strategic Forum.* June 2012. P.5.
[372] Rear Admiral Stark comments
[373] Ibid
[374] Sean Mirski. 'Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China'. Journal of Strategic Studies. 2013.P.5

north and south of Australia. The USN would position assets to ensure that Chinese attempts to reroute ships through the Panama Canal and Strait of Magellan were defeated.

8.2. The Operational Conduct of "Offshore Control"

Sean Mirski details the operational conduct of a US naval blockade in the specific context of a 'protracted and 'extensive' conflict with China over vital interests… that has engendered the tacit support of several of China's neighbours, including Russia, India and Japan'.[375]

To be successful, any naval blockade must accomplish two key objectives: *differentiation* between neutral and enemy shipping and *neutralisation* of enemy shipping. To satisfy these two metrics a successful naval blockade must thus combine both a close blockade (which would involve stationing a cordon of warships off an enemy's shores to search all incoming/outgoing merchant ships and impound those transporting contraband) and a distant blockade (located at a greater distance from an opponent's shores but able to curtail the enemy's trade in critical sea lanes)[376]. The best of both can thus be implemented via a 'two-ring'[377] blockade consisting of two concentric rings around China's shores.

1. Inner Ring Blockade – Lethal Neutralisation[378]

The inner ring blockade would take the form of an impassable exclusion zone (implemented as close to China's shores as possible[379]) that is declared off-limits to commercial shipping, supported by non-negotiable firepower. The US would then

[375] Ibid P.12
[376] Ibid P.13
[377] Ibid P.13
[378] The following format is taken from: Sean Mirski. 'Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China'. Journal of Strategic Studies. 2013. PP..14 - 22
[379] Ibid

enforce this zone with three core means that can circumvent China's A2AD capabilities. Firstly, US *attack submarines* operating in the shallow waters of China's coastal areas can make the most of China's currently limited anti-submarine warfare (ASW) capabilities and curb the detection ability of sonars.

Secondly the US can leverage *long-distance airpower* by using a combination of stealth, stand-off and cyber capabilities to penetrate into the near seas' airspace, strike targets, and then vacate the area before Chinese air Defenses were able to respond.[380] Submarines stationed around China's coast and key harbours would thus work in conjunction with airpower projected from the periphery of China's near seas[381] in order to impose the exclusion zone. If a merchant vessel entered the exclusion zone the US would have the option of either initiating long-range air strikes or informing the nearest patrolling submarines.[382]

Thirdly the exclusion zone can be enforced by planting naval *mines* at the approaches to China's ten largest mainland ports (which accounts for more than 80% of the country's container throughput in 2010).[383] These mines would then be able to attack all passing merchant vessels.

2. Outer Ring Blockade – Differentiation and Non-Lethal Neutralisation[384]

While an inner ring blockade strategy would be militarily effective on its own, an outer ring blockade is also necessary in order to guard against the political implications and diplomatic crises that may come if the US were to interfere with neutral commerce and negatively impact the trade of neutral Asian states and US allies. An outer ring blockade would evolve establishing a 'selectively-permeable

[380] Ibid P.15
[381] Ibid
[382] Ibid
[383] Ibid P.16
[384] Ibid P.19

perimeter of checkpoints'[385] at the periphery of China's near seas. All key passageways in Southeast and East Asia would be blockaded or closed entirely to ensure all shipping traffic is accounted for, including the Strait of Sunda, the Lombok Strait, around the coast of Australia and through the Pacific Ocean.[386] The most important passageway, the Straits of Malacca, would serve as the primary checkpoint.

Furthermore, Mirski highlights that at the checkpoints, the US would need to set up a rigorous inspection regime. This regime would involve the boarding and inspection of ships' bills of lading and documents that specify the destination of a ship's cargo, as well as dividing vessels into different tiers so that those that are unlikely to break the rules (such as US and allied ships) are subjected to minimal inspection. If a vessel is found to be destined for, owned by or registered in China it could be impounded.

In addition to the new inspection regime, the outer ring blockade could be used to establish a new regional maritime traffic system[387], similar to the British Navigational Certification (navicert) system of the First and Second World Wars. The US could thus grant a digital navicert (specifying the destination of the vessel after cargo inspection) to each merchant vessel. When a merchant ship docked in a regional port, the navicert can then be corroborated against the cargo to make sure it had not secretly transported contraband to China. This could also be supplemented by the US fixing tracking beacons on board the vessels to allow for the real-time tracking of each vessel's location. The navicert would thus enable the US to spatially map out the positions and trajectories of all commercial vessels in

[385] Ibid
[386] Ibid P.20
[387] Ibid P.21

the region[388] and subsequently integrate its military assets at strategic junctures. Furthermore the navicert data would enhance the US's ability to avoid accidentally targeting neutral shipping and, by extension, avoid the political backlash that would follow should allied shipping capabilities be crippled.

To this end, Hattendorf points to four kinds of operations that are essential to success:[389]

1. Interception Operations - involving the interdiction, warnings, inspections and blockade of Chinese vessels at specific choke points. Sean Mirksi (above) indicates that these operations will need to achieve two key goals of: *differentiation* between neutral and enemy shipping and the *neutralisation* of enemy shipping.[390]

2. Submarine Operations - to be carried out within the First Island Chain (at varying intensities depending on the signal to be sent) in tandem with diesel submarines from Asian allies and partners.[391]

3. Flotilla Operations - operating in the East and South China Seas with the ability to confront PLAN 'patrols' when China is acting contrary to international law and subsequently 'restrict, restrain or deny freedom of the seas for all shipping'.[392]

4. Marine Corps - with outposts established at strategic locations in collaboration with host governments. These outposts would allow for fast movement to

[388] Ibid P.22
[389] John B. Hattendorf. '"Offshore Control" in East Asia using a war-at-sea strategy'.as part of 'A Flotilla to Support a Strategy of Offshore Control'. *Naval Postgraduate School.* 2013. P.40
[390] Sean Mirski. 'Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China'. Journal of Strategic Studies. 2013 P.12.
[391] John B. Hattendorf. '"Offshore Control" in East Asia using a war-at-sea strategy'.as part of 'A Flotilla to Support a Strategy of Offshore Control'. *Naval Postgraduate School.* 2013. P.40
[392] Ibid

> critical points in the First Island Chain, the basing of unmanned aerial vehicles (UAVs) and possibly serve as passive listening posts. Hattendorf identifies three possible locations: the Indonesian island of Natuna Besar in the Natuna archipelago, which is south of China's nine-dashed line in the south China Sea; the southern Ryukyu island near the Senkakus; and the Philippine island north of Luxon (either Batan or one of the Babuyans) given its strategic value to China and the ability for land-to-sea missiles to reach in three directions rather than just one.

Other islands were mentioned in discussions with Stefan Halper in Tokyo in March 2013. Vice Rear Admiral Yoji Koda (JMDF, ret.) said:

> The most important part of the strategic calculus is Okinawa. There are three passages between the small islands of Miako, Ishisaki and Yongani that can allow submarines to pass. The USN and the JMSDF would need to block these passages to prevent PLAN subs from operating outside the 'Western' island chain. These islands are critical. Effective joint action would seal the US-Japan relationship bringing the US and japan closer together.

In terms of preparation and planning for the implementation of Hammes' Offshore Control strategy, Hattendorf deems the third and fourth steps as essential to PACOM. To transform the concept of 'Air-Sea Battle' into a fully workable strategy to defeat China's 'Anti-Access/Area Denial', PACOM should position **navy flotilla** and **marine outposts** in the First Island Chain. Hattendorf proposes a 'flexible, low-cost option' available to PACOM in response to these two key development needs. He outlines five steps:[393]

[393] Ibid P.42

1. Building a flotilla of 64 *Cushings* that consists of a mutually supporting pair as the smallest tactical unit, a division comprising four ships, and a squadron of two divisions – eight vessels – as the basic building blocks.[394] Analysts suggest a tentative fleet goal of eight squadrons that would be based in East Asia in friendly ports such as Sasebo, Okinawa, Subic Bay, Zamboanga, Singapore – which would allow for rapid movement to pre-planned locations in the event of conflict. A force of 32 ships there will carry over 250 updated Harpool – or Exocet – missiles and 32 medium-caliber, rapid fire guns. These deployed vessels would be inefficient for land attack 'but superb to create a no man's land in the adjacent seas'.[395]

2. Locate marines and high-speed amphibious lift at locations such as Darwin and Guam, from which detachments could move rapidly to the same locations.

3. Identify the best strategic locations, refine war plans and negotiate preferred locations with host nations to demonstrate both US resolve to protect allied interests and US determination to uphold international law.

4. Conduct engagement exercises with host nations – particularly on site at preferred locations to enable US forces to acclimatise to regional conditions.

5. Develop a tactical doctrine for mutual support between flotilla and marine detachments in offensive, defensive and sustainment operations.

These measures would ensure that 'to the extent that China threatens to deny access… [the US] would threaten to deny it access, creating a no-man's land' by using flotilla and marine outposts to create unsafe regions in China's own waters. Furthermore these measures are important in peacetime. US opponents and allies

[394] Wayne P. Hughes Jr. Chapter IV: Ship and Flotilla Properties. A Flotilla to Support a Strategy of Offshore Control. Jeffrey R. Kline, Wayne P. Hughs Jr. January 2013. P. 43
[395] Ibid

alike must perceive that the US is providing sufficient training and adequate forces in the pre-kinetic period to ensure that if necessary in wartime a strategy of Offshore Control can be implemented.

Importantly, the Hammes' strategy addresses the issue of war termination. The end of conflict must meet two criteria. First, the war must be terminated on US terms. Second, the conflict must end in a way that allows the Chinese government to save face with its domestic populace. The method of a naval blockade, which allows for the economic exhaustion of China but does not involve damaging the mainland infrastructure, decreases the risk of conflict escalation. Moreover Offshore Control's avoidance of mainland attacks allows a higher probability for China to declare that it has 'taught the enemy a lesson'[396] and thus save face by ending the conflict in the same way it ended its intervention in Korea, invasion of Vietnam and border conflicts with Russia and India.[397]

Rear Admiral James Stark (USN, ret.) makes the cautionary point that placing the onus of war termination with Beijing may provide China with a certain strategic leverage as it raises the question of whether the US Congress and the American people have the 'strategic stamina' for a long-war[398] - as it will likely take some time for China to decide to end the conflict.

[396] T.X. Hammes. **'**Offshore Control: A Proposed Strategy for an Unlikely Conflict'. *Strategic Forum.* Number 278. June 2012. p.11.
[397] Ibid
[398] Interview with Rear Admiral Stark. April 23, 2013.

8.3. The Critical Link between a Counterstrategy to the Three Warfares and the Successful Implementation of "Offshore Control"

Understanding the connection between a countermeasures to China's 'Three Warfares' and the 'Offshore Control' strategy turns on satisfying five key criteria:

1. Favourable regional opinion.

2. The support of nations and institutions that profit from international trade.

3. The US seen as acting in ways that protect the interests of those nations and institutions, not just its own.

4. The broad tenets of the strategy must be known to China, Asian allies and friendly states.

5. An open declaration of the strategy (but not its classified details or operational plans).[399]

The success of a US naval blockade as part of a strategy of Offshore Control is thus fundamentally dependent on securing bases and support from US allies. However it is precisely Washington's ability to secure such support from third parties that is the main target of China's 'Three Warfares' in the South China Sea. The perceptions and actions of those third parties are thus crucial to the success of Offshore Control in two key domains.

Firstly, Sean Mirksi identifies that the 'one strategic shortcoming'[400] of the blockade is its reliance on the cooperation of several third parties.* [Please see P.176 below]. For instance, if Beijing is blockaded by sea, it would turn to

[399] John B. Hattendorf. '"Offshore Control" in East Asia using a war-at-sea strategy'.as part of 'A Flotilla to Support a Strategy of Offshore Control'. *Naval Postgraduate School.* 2013. P 40.

[400] Sean Mirski. Stranglehold: The Context, Conduct and Consequences of an American Naval Blockade of China, Journal of Strategic Studies. 2013. P.8.

*See Appendix XIII p.509 for further discussion of potential sources of oil for China in the event of a blockade

overland imports and the trans-shipment of oil and other resources supplied by third parties.

The importance of third parties presents the US with the strategic necessity to create a favourable regional political context. To this end, the US must try to encourage a political calculus among China's neighbours that concludes that tacit support for US objectives aligns with their strategic interests. Furthermore the US must generate a dominant discourse that is both accurate and persuasive to refute any Chinese attempt to blame the US for the conflict and its attendant disruptions or portray the blockade as 'rooted in American aggression'.[401]

In this contest of 'framing concepts', the conflict would be presented as having resulted from China's rejection of established law, its misguided notion of sovereignty which spawned policies of intimidation toward small regional neighbours and its interference with navigation attempting to lawfully transit the maritime commons. Moreover, a conflict, widely believed to have been initiated by China would incline neighbours (including those that are critical of the naval blockade) to support the US.

Some analysts regard China's Three Warfares as one of the 'unconventional responses'[402] that China may adopt in response to a US Offshore Control Strategy. However China will leverage the Three Warfares prior to any kinetic conflict and will focus its campaign, in the first instance, on preventing the US from being able to execute an Offshore Control Strategy. We must assume that Beijing will have utilized the Three Warfares to prepare the pre-kinetic environment, to fashion perceptions of the conflict as it proceeded, and to attack the US as an imperialist hegemon acting illegally.

[401] Ibid

[402] T.X. Hammes. 'Offshore Control: A Proposed Strategy for an Unlikely Conflict'. *Strategic Forum.* Number 278. June 2012.P.9.

Importantly, Beijing will use the Three Warfares throughout to question US resolve and raise fears of retribution toward those who sided with Washington if/when the US reduces its regional presence. China's Three Warfares would play a crucial role in attempting to cripple US efforts to prepare local governments and publics to accept and support the pre-conflict steps required to implement the preparatory stages of its Offshore Control Strategy. T.X. Hammes identifies these stages as[403]:

1. Pre-positioning defensive maritime assets in the theatre.
2. Encouraging Japan to reinforce its defensive capabilities in the Ryukyu islands.
3. Assisting the Philippines to establish Defenses between Luzon and Taiwan.

The foundation of a successful US strategy of Offshore Control is therefore the maintenance of key US alliances and credibility in words and actions. A counter-strategy to China's Three Warfares would thus:

- Prevent China's Three Warfares from actively conditioning the perceptions of third parties in favour of China and away from the US reason for being in the region.
- Enable the US to assure Asian nations that the US is both willing and able to remain in the region
- Enable US forces to secure access to the operating theatres required to implement the Offshore Control Strategy.
- Present Offshore Control as a viable, practical and effective strategy and thus a deterrent to aggressive Chinese policies.

US countermeasures to China's Three Warfares are thus intrinsically linked to the strategy of Offshore Control: they are mutually reinforcing. Countering China's Three Warfares is a necessary pre-requisite to successful implementation of the preparatory stages of Offshore Control - as these stages rely on US collaboration

[403] Ibid. P.6.

with host governments.[404] If Beijing's Three Warfares are allowed to actively condition the perceptions and actions of those crucial host governments (by means of economic coercion, legal manipulation and mounting psychological pressure propagated via its media outlets) in the non-kinetic stages before a conflict, so that the US is denied basing rights and access to critical locations – the kinetic strategy of Offshore Control will no longer be viable during a Sino-American conflict.

Specific steps to be taken:

To prevent China's Three Warfares from undermining both the legitimacy of US positions in the West Pacific and allied willingness to support US efforts, which are essential to US ability to successfully secure the bases, facilities and support necessary for implementation of "Offshore Control" – the US must take specific steps:

1. **Counter China's legal warfare challenge: 1) territorial sovereignty and 2) the rights of foreign navies in EEZs.**
   * Mobilize affected states to place the Chinese legal case and its policy ramifications firmly in public domain. Professor Mohan Malik's argument undercutting China's 'historic' claims should be publicised and China's concept of 'sovereignty' should be dismantled to prevent it from being presented on a par with arguments that enjoy legal validity and historical accuracy.
   * China's insistence that freedom of navigation be curtailed in its claimed jurisdictional zones must be properly framed and widely publicized.
   * Publicize China's practice of conducting military activities in the EEZs of foreign states without the consent that China so fervently demands.

[404] John B. Hattendorf. '"Offshore Control" in East Asia using a war-at-sea strategy'.as part of 'A Flotilla to Support a Strategy of Offshore Control'. *Naval Postgraduate School.* 2013p.42

In this way the legitimacy of the US position can be underscored and consolidated in the minds of regional governments and publics, while undercutting China's own claim of "legitimacy" and "reasonableness".

2. **Promote the use of the UNCLOS Dispute Settlement Mechanism and fully support the Philippine effort to bring China to international arbitration**.
Bolster the confidence of other littoral claimants in the South China Sea region to resist accepting and adopting China's legal warfare measures. Strong US support for the Philippines' effort will demonstrate that legal avenues are viable and will enable smaller claimants to establish themselves on an equal footing with their larger neighbor. This would enable the US to foster an effective 'push back' against Chinese attempts to reframe what is 'legitimate' behavior in the South China Sea and its efforts to undermine US legitimacy of actions there.

3. **Expand the US Public Diplomacy Program.**
The US must influence foreign leaders and populations on a daily basis to prevent the Chinese narrative of US "hegemony" and "aggression" from gaining traction among key regional publics and governments. The US should be seen as a reliable source of information, available on a regular basis.

4. **PACOM needs to communicate a message of reassurance.**
*****The anxiety felt by East Asian nations about China's intentions has a direct impact on their willingness to support US actions in the region. Through media and official press channels PACOM needs to forcefully assert that the Chinese *will not* push the United States out of East Asia. PACOM must underscore to East Asian nations that a nearby hegemon, such as China, is far more dangerous to local states than a distant power such as the US, which has no territorial ambitions in the region.[405]

[405] Rear Admiral James Stark comments in discussions with Project Director

5. **Maintain the US. Navy carrier presence**

6. Provide **increased security assistance** to enable Taiwan, Korea, the Philippines and other regional players to sustain themselves with confidence. Every effort must be made to heighten awareness of the US security presence in the public mind and particularly among regional publics.

7. **Increase economic and commercial relations with ASEAN nations.** To bolster US allies and other littoral states in the South China Sea the US should expand its economic and commercial relations with ASEAN nations to diminish the potential psychological impact of any economic/commercial coercion China may employ. This should be accompanied by an increase in security assistance immediately following such incidents as occurred at the Scarborough Shoal, April 2012. The lesson intended for Beijing is that aggressive action against US friends and allies will be met with immediate and significant increases in security assistance.

8. **Maintain strong, high profile, US support for multi-lateral institutions** including ASEAN, the Asian Development Bank, APEC, the TPP and others is essential to diminish the full impact of China's psychological warfare initiatives on individual states.

9. **Issue constant region-wide reminders of US capabilities and improvements.** Analysts argue that much should be made of each newly commissioned ship that joins the Pacific Fleet and any additional USAF capability assigned to PACAF.[406] In this manner, US allies are provided with tangible evidence to support the US rhetoric of reassurance and increased capability.

[406] Ibid

PART 9:

“THE PAST IS PROLOGUE”: The Situation at the Ten Year Mark

If ‘the past is prologue’, one way to predict how this dynamic tri-lateral process is likely to shape events in the decade ahead is to examine how The Three Warfares have advanced Chinese interests over the decade since 2003. This chapter discusses: first, the benefits delivered by the Three Warfares; second, three key strategic and tactical challenges posed by the Three Warfares in the decade ahead; third, that the Three Warfares is here to stay; fourth, likely developments in the

decade ahead; fifth, the possible application of the Three Warfares beyond East Asia; and finally US future priorities.

9.1. The Benefits of the Three Warfares

The three Warfares appears to have **delivered benefits** in at least five dimensions:

First, the Three Warfares remains **congruent with Chinese strategic thinking**—the policy leverages traditional concepts and provides a framework for modern conflict management. Specifically, it offers a structure for taking the initiative and managing uncertainty in pre-kinetic situations, although it also has applications after hostilities have begun.

Second, the policy has delivered **tangible benefits**: although no claims have been resolved *de jure*, we have seen *de facto* resolutions in China's favour at Sansha City and at Macclesfield Bank and other fishing grounds.

Third, the policy serves the regime's need to **sustain a vivid nationalism** (see paper by Professor James B. L. Mayall) and to forge and refine the national identity. The past ten years have seen Beijing, and individual provinces acting separately, claim island territories within the nine-dash line in the South China Sea, and in parts of the East China Sea. Noisy, public clashes with Japan over the Senkakus have served the CCP's domestic agenda even though, as stated throughout this study, there is no prospect that Japan will relinquish control of the islands. Regardless, we may expect China to continue to pursue these claims, with varying intensity, over the next decade.

Fourth, the policy seeks to **acquire resources important to China's economy**. These include fish, potential oil and gas deposits beneath the seabed. The Three

Warfares' mutually reinforcing dynamic has, by challenging their previous status, put these resources in play.

Fifth, the Three Warfares provide Beijing with a '**play-book' for resource acquisition and conflict management** that can be tailored to address each new situation and target. The 'tri-lateral' process 'promises impressive returns with an acceptable investment of diplomatic resources and at low risk'.[407] China is able to engage with both peer competitors and lesser opponents in a manner that ensures—assuming rational decisions—it will not lose out.

Rear Admiral Mike McDevitt emphasizes that each of the Three Warfares has proceeded in a structured manner. There is a formula-like quality to the use of lawfare, for example, that seems to include the following:

i. All Chinese sovereignty claims are indisputable.

ii. All counter claims are dismissed.

iii. Third party adjudication is refused.

iv. China interprets UNCLOS in unusual ways when strict adherence to its provisions is inconvenient. We will continue to see:

    a. China reject UNCLOS provisions regulating activities in the EEZs;

    b. China reject the UNCLOS position on baselines drawn around the Paracels and Senkaku Islands;

    c. China refuse to clarify the meaning of the nine-dash line.

[407] See paper by Professor James Holmes

With regard to the psychological and media warfare parts of the policy, Rear Admiral McDevitt suggests the template will continue to rely upon the following simple precepts:

i. Admit nothing.

ii. Deny everything.

iii. Demand proof.

iv. Blame someone else.

v. Make vigorous counter-accusations.[408]

9.2. Challenges in the Decade Ahead

The Three Warfares will continue to be a dynamic concept that generates both **tactical and strategic challenges** to the status quo along the following lines:

First, China will continue to argue that **certain practices are not permissible within China's EEZ**, such as annual military exercises and routine surveillance flights. This will be advanced in the lawfare dimension and supported by China's global media network. In the decade ahead we can expect China to 'tire out opponents'[409] by gaining political support among the global public regardless of whether the China's argument properly reflects present international law.

Second, in the strategic context, China will continue to **challenge the legitimacy of the post-World War II international legal architecture** as having been designed by, and favouring, the interests of the developed West over those of developing countries.

[408] See paper by Rear Admiral Mike McDevitt
[409] See paper by Professor James Holmes

Third, in geo-political terms, China will **continue to present affected East Asian countries and the US with a strategic choice**: One might choose to either stand on principles such as "Freedom of Navigation" and damage bilateral relations, or avoid 'trouble and exasperation'[410] and accept China's argument and, in effect, its new sphere of influence.[411] China seeks to recast Asian security arrangements by asking Washington whether defending 'meagre stakes'[412] in the South China Sea is worth the potential long-term political and economic cost, i.e., whether 'vindicating freedom of navigation warrants placing the overall US–China relationship in jeopardy'.[413]

The next decade will see China 'shadowbox' out-matched neighbours[414] on the South China Sea littoral, leveraging its overwhelming economic and commercial strength and using its growing civilian maritime enforcement agencies to deal with the Philippines, Vietnam, Indonesia and others. When coastal states move to uphold their jurisdictional rights and attempt to evict Chinese fishing or coast guard vessels from disputed islands (as in past instances) Beijing will continue to demonstrate both the flexibility and the unpredictability that is characteristic of the Three Warfares policy.

Beijing may or may not deploy PLAN or coast guard vessels and it may or may not deploy civilian fishing vessels. It will most likely utilize its media outlets to portray opposite numbers as aggressors and ramp up its psychological pressure via both the diplomatic and military routes. On the other hand, if an opponent

[410] Ibid
[411] Ibid
[412] Ibid
[413] Ibid
[414] Ibid

acquiesces, given the rising diplomatic, economic and military costs, Beijing will have, in effect, established de facto jurisdiction over the contested real estate.[415]

With incremental changes to the status quo Beijing seeks to accrue small diplomatic victories that, in addition to any tangible benefit, may be offered up for domestic consumption as signs of Beijing's diplomatic prowess and rising global status. This simultaneously serves Beijing's economic and international agendas, and its domestic political needs.

9.3. The Three Warfares is Here to Stay

Given the five distinct benefits delivered by the Three Warfares over the past decade and the nature of the three key challenges China will pose in the decade ahead, it is reasonable to expect that the policy will continue to be extended and refined over the next ten years.

Here one must acknowledge that Beijing's use of the Three Warfares has not been without setbacks. The policy has demonstrated liabilities in the South China Sea and in Southeast Asia where a decade of effective and positive diplomacy has evaporated since 2011. China had, through extensions of credit, investment in infrastructure, management assistance and support from its major development banks, developed productive diplomatic relations with Thailand, Indonesia, Malaysia and workable relations with Vietnam and Singapore. Recent territory and resource claims have alarmed these smaller nations, convulsed ASEAN and opened the door for an expanded US regional presence.

Even with the vulnerabilities inherent in China's political warfare campaign, including heightened global opprobrium resulting from its aggression towards smaller neighbours and the backlash against Chinese 'propaganda'-- both of which

[415] Ibid

have served to underscore the need for a strong US regional presence--contributors do not anticipate any significant change in Beijing's position on sovereignty questions. Beijing apparently regards the recent chill in relations with East Asian neighbours as temporary and reversible. China calculates that it will be able to 'manage these tensions through vital bi-lateral trade and economic linkages' and use the Three Warfares to eventually bring long term benefits in both resources and expanded influence.

With these goals in mind, the Three Warfares will continue to hold pride of place as the 'chief operational concept' for current PLA war fighting plans. The critical importance of framing the pre-kinetic environment is underscored by the PLA's belief that future conflict scenarios involving the US will likely not, or rarely, involve kinetic exchanges, and that, in any case, the PLA cannot prevail in such circumstances at present.[416] China will adapt accordingly. It will deploy the Three Warfares in increasingly creative combinations while buttressing this with steadily increasing military proficiency.

9.4. Key Developments in the Decade Ahead

1. China will **continue to refine and coordinate[417] non-kinetic tools in the maritime domain** to protect and advance its interests.[418] China will leverage its accumulated experience in managing maritime incidents and use the Three

[416] See paper by Mr. Timothy Walton.
[417] Ibid
[418] See paper 1 by Rear Admiral James Goldrick

Warfares as an instrument of first resort in cases where direct military action is likely to have negative collateral effects e.g. in the diplomatic and opinion realms. To this end, in place of quick and minor victories, China will play the 'long game'. It will establish a clear direction and steady pace that gradually alters the operational environment in its favour. This is evident in the 'slow but steady integration between the PLAN and maritime agencies'.[419]

2. China will continue to **strengthen its international propaganda campaign.**[420] Contributors to this study underscore the priority China has given to strengthening its image and soft power internationally – pointing to the establishment of the Ministry of National Defense Information Office, numerous new print vehicles, and a substantial expansion of Xinhua and China Central Television overseas.[421] Contributors believe this trend is likely to continue over the next ten years as Beijing increasingly focuses its messaging strategy on international audiences.

   In this context, Beijing's pattern of blocking international news media channels during crises is likely to continue so that the CCP narrative of events remains dominant for domestic audiences. As time goes on, the growing experience gained by Chinese propagandists will enable spokesmen to become more adroit in explaining their views[422] and to target international public opinion more precisely. Contributors to this study expect that Chinese officialdom will reiterate the "normal quality" of China's behaviour as often as possible. That: China is merely defending its historic rights and interests in maritime disputes;

[419] Ibid
[420] See paper by Mr. Peter Mattis
[421] Ibid
[422] See paper by Professor Philip Towle.

that the US is interfering unnecessarily in the South China Sea; and that China wants simply to occupy the position natural to a great power.

3. **Growth in China's international law community:** Contributors expect China to become more aggressive, and perhaps influential, in the interpretation and development of international law, especially regarding UNCLOS.[423] They observe a growing body of legal experts that have come to embody a 'Chinese way' of legal thinking. China will continue to target the historical foundations of international law and challenge attempts by the 'expansionist and aggressive West'[424] to bind it to such laws and norms. To this end, contributors believe the Chinese will continue to approach the evolution of international law in two ways.

   First, they will advance a Chinese-friendly historical narrative that gives weight to China's contemporary arguments using national sources that date back to 1372. They will buttress this by selecting instances from Western history that support the Chinese case. Second, China will continue to increase the extent and speed with which legal opinion is used to support China's public position on maritime disputes[425] by monitoring and publicizing foreign commentaries that align with Chinese thinking. Moreover, contributors anticipate the creation of a Chinese 'school of international law' and increased financial support to overseas academics that support Beijing's views.

   Over the next ten years we can expect to see multiple efforts (through China's policy of legal layering, territorial possession, administrative control and maritime consolidation[426]) designed to bring about a gradual pattern of

[423] See paper 1 by Rear Admiral James Goldrick.
[424] Ibid
[425] Ibid
[426] See paper by Professor Justin Nankivell

long-term change in existing norms, including the introduction of new Chinese-approved norms. Finally, China will avoid formal dispute resolution mechanisms such as provided by UNCLOS and the International Court of Justice in deciding ownership of the SCS islands.

4. **Maritime security agencies will remain on the 'front line'** to manage incidents. They will assume the leading role with the PLAN in the background. China will use the 'small stick' of law-enforcement, Bureau of Fisheries ships and other civilian assets, including fishing vessels, to wear out small Asian navies and coast guards, particularly in key locations such as the Philippine EEZ, the Spratly and Paracel island chains and thus caution Manila and Vietnam not to 'undo facts it has created on the ground'.[427]

5. **The US-China competition in military capability and strategic concepts will continue.** Here China will continue to introduce capabilities in line with its A2AD strategy to attempt to deny US access to its chief operating arena, while the US military (the USN and Air Force) will continue to introduce capabilities that will assure access.[428] The next decade thus promises a competition of concepts (assured access vs. denied access) and a competition of capabilities.

6. **Improvements in PLAN capabilities and numbers and their impact on the balance of naval power in East Asia.** Over the next decade the PLAN will improve the numbers and capabilities of its submarine and surface fleets, which will include at least one Chinese built carrier.[429] Rear Admiral McDevitt believes that depending on the pace of the Chinese ship-building effort, there may be a point when the PLAN represents the preponderance of naval

[427] See paper by Professor James Holmes
[428] See paper by Rear Admiral Mike McDevitt
[429] Ibid

power--not in the entire Pacific--but in the Western Pacific.[430] More broadly, when considering the naval balance in the foreseeable future, contributors and consultants to this study suggest that the aggregate balance of naval capabilities on the US side is best seen as context-dependent.

For instance, one might include US allies that have credible navies, such as Japan, South Korea and Australia when calculating the US side of this balance. However if a contingency erupted involving, for example, Taiwan, it is not clear that the US could count on having each of these high-end navies on side. Contributors say prudence would dictate that any calculation be based on US capabilities alone.[431]

In this regard, one does not envision a naval imbalance over the next decade as dramatic as that faced by the US shortly before World War II. In 1941 the US Asiatic Fleet consisted of one cruiser, a handful of over-age destroyers and submarines in contrast to the huge fighting force assembled by the Imperial Japanese Navy, which in terms of principle combatants, was about the size of today's US Navy. Thus analysts argue that while it is possible China could eventually amass naval power in East Asia, which the US could not match in peacetime[432], such an imbalance would not approach the disparity faced by the US at the onset of World War II.

7. **China's naval strength continued….**[433] Even if China does not achieve a preponderance of naval power in East Asia, the projected growth of the PLAN and maritime law enforcement fleets may force 'more regular and possibly more significant escorts for US collection missions'.[434] As a consequence of its

[430] Ibid
[431] Ibid
[432] Ibid
[433] See paper by Mr. Peter Mattis
[434] Ibid

growing capabilities, Beijing will be able to 'assert control over larger areas further afield in an administrative or law enforcement capacity'. Contributors point out that currently China can only assert such control over certain select areas against individual nations, as evident in the Scarborough Shoal incident with the Philippines. Likewise, the on-going confrontation with Japan over the Senkakus reveals the limits of Chinese capabilities. There, Beijing disputed Japan's administrative control over the islands but could not force the Japanese Coast Guard to withdraw without employing military force---which it has, so far, chosen not to do. Thus, given China's military and political warfare capabilities and its accelerating investment in naval and para-military ship construction, East Asian nations (with the exception of Japan) will continue to be outpaced and the power projection gap will continue to grow.

9.5. Application of The Three Warfares Beyond East Asia: Norm-setting at the Poles.

A potential danger would arise if China, having achieved its objectives in the South China Sea, 'should decide to assume the same hard-line approach in other regions'.[435] China may attempt to replicate any regional success by using the Three Warfares to pursue resources and modify applicable laws in the **Arctic and Antarctic regions.**

China's use of the Three Warfares to advance its Polar ambitions reveals a policy posture and trend that is likely to condition its efforts over the next decade. Namely, **where the possibility of creating new norms exists, Beijing acts assertively.**[436] As the melting polar caps create new opportunities for shipping, mining and fishing, Beijing believes its involvement in drafting new regulations

[435] See paper 1 by Rear Admiral James Goldrick

[436] Isabella Mroczkowski. 'China's Arctic Powerplay'. *The Diplomat.com.* February 15, 2012. http://thediplomat.com/flashpoints-blog/2012/02/15/chinas-arctic-powerplay/

governing resource extraction—whether gas, oil, minerals or fish—may help create precedents that benefit the PRC in the South China Sea and elsewhere. China thus wants to have a seat at the table to frame measures addressing the administrative and regulatory rights of littoral states and how the Convention on the Law of the Sea may apply to the changing Polar environment. At present, however, Beijing is excluded by existing institutional arrangements.

9.5.1. China and the Arctic

In the Arctic Ocean, Beijing is interested in the commercial viability of new shipping lanes, harvesting fish, and developing the oil, gas and mineral resources; some 90 billion barrels of oil and 30 per cent of the world's yet-to-be discovered natural gas resources are said to lie underneath and along the seabed.

China's approach to the Arctic is comprehensive. Beijing is engaging coastal states en masse[437] and other Arctic stakeholders bilaterally on a range of issues including trade, culture and investment, tourism and technology. Moreover in addition to China's pursuit of membership in the Arctic Council, which would consolidate its role in the region's governance, the Arctic is the object of "non-governmental" Chinese initiatives which, if successful, would provide a significant foothold in the Arctic.[438] China opened an Arctic research center in Norway's far north Svalbard region, for example, in 2012.

The bid from Chinese tycoon Huang Nubo to purchase 300 square kilometers of land in northeast Iceland to build an eco-resort provides insight into China's aspirations. Not surprisingly, the land is strategically located adjacent to one of Iceland's largest glacial rivers and several potential deep-water port sites. As

[437] Ibid
[438] Ibid

warming trends melt the Arctic ice the area will likely become an important port centre on a new maritime route between East and West.[439] Although this bid was ultimately rejected by the Icelandic Government, it reflects China's Arctic plans.

The information arm of the Three Warfares is also at work in the Arctic. Since at least 2008, China's media platforms have adopted strident tones to 'talk up' China's Polar achievements for domestic political consumption and to bolster the case that China has extensive and legitimate interests in the Arctic region[440] – and is thus entitled to a role commensurate with such interests.

Beijing directs its state-owned media outlets to present its challenge to existing rules and regulations and highlight dissatisfaction with the status quo shared by other nations. For instance, the State Council Information Office reproduced an article in August 2011 discussing the rejection of China's application to be a permanent observer on the Arctic council. The article called for 'an end to the Arctic state's monopoly of Arctic affairs'[441], pointed to the strong appeals made by India, Japan, South Korea and the EU for their own participation in Arctic Affairs and cited China's cooperation on Arctic issues with Iceland, Sweden and Norway. Beijing again emphasizes that the laws governing Arctic matters are the creation of western hegemonic powers and uses its media to publicise that 'other nations' hold similar views. This is broadly the same argument that Beijing uses in objecting to the law establishing the rights of foreign navies in Exclusive Economic Zones.

The content of China's assertiveness to Polar norm-setting is couched in legal terms, with China using the law's informal, normative and historical underpinnings[442] to make its case for an increased role in the development of future

[439] Ibid
[440] Ibid
[441] Ibid
[442] See paper by Professor Justin Nankivell.

governance arrangements. To secure external support for a more permanent role at the Arctic Council, China has offered financial investment to three nations with established historical Polar interests. Apparently, Beijing's extensive effort has paid off. On May 14, 2013 the Arctic Council, meeting in Kiruna, Sweden, approved China as a permanent Observer.

9.5.2. China and the Antarctic

China has expressed its dissatisfaction with existing Antarctic measures of governance as well. As a late joiner to the 1959 Antarctic Treaty (having acceded in 1983) some Chinese commentators have cast the treaty as a 'rich man's club' or a zone for 'collective hegemony'[443], in which China is treated as a 'second class citizen'. Nonetheless, China has made progress; its generous research funding opportunities extended to Australian scientists[444] seem to have facilitated its entry to Antarctic affairs (apparently including an encroachment on the Australian Antarctic claim).[445]

China's critique of the Antarctica Treaty System focuses on the issue of distribution of resources – with China's interest piqued by the possibilities for resource exploration. In this vein, while discussion of Antarctic resources and the attendant potential gains are a 'taboo' in the scholarly research of other Antarctic powers, in Chinese academic journals such discussions dominate.

9.5.3. An Example of the Three Warfares?

While some will view these initiatives as expressions of China's Three Warfares policy in yet another region in the world, others may view these steps as

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[443] Isabella Mroczkowski. 'China's Arctic Powerplay'. *The Diplomat.com.* February 15, 2012. http://thediplomat.com/flashpoints-blog/2012/02/15/chinas-arctic-powerplay/

[444] Ibid

[445] Ibid

predictable expressions by a rising power seeking greater involvement in global affairs. One must consider whether China's challenge to the existing Polar regime is lawfare or is rather an attempt to generate new legal understandings that reflect the growing role of nations that are not long-established Arctic/Antarctic players.

While this is a fair question, the fact remains that China is fixated on the potential commercial and material benefits to be obtained from Polar resources---and this irreducible point belies its true motive for leveraging legal, media and economic measures.

In this sense China seeks to alter the existing Polar regime, not in order to advance the cause for which it was originally established --i.e. the protection of the Polar environment--but rather to promote its own political and material agenda. Additional evidence for this is found in China's order of priorities with 'development first and the protection of the environment second'.[446]

9.6 US Future Priorities

In the next decade we reach a critical juncture in Sino-American relations and in the dynamics of the East Asian region. A clear, effective US strategy to counter the increasingly sophisticated Three Warfares is essential. Attention should be directed to the vulnerabilities China has incurred in the region and among global publics who find Beijing's dismissal of multi-lateral solutions, established law and sustained intimidation of smaller states unacceptable.

[446] Ibid

China's actions since 2008 present the US with a menu of opportunities to dilute and mis-position the Three Warfares. Lawfare can be met with public invitations to resolve disputed claims in established legal venues. Every effort should be made to force China to defend its position in the UNCLOS dispute resolution or the International Court of Justice. Beijing's refusal, which is likely, should be widely publicized. Intimidation must be widely and continuously publicized; such instances should be made agenda items at ASEAN and other regional fora; the US should facilitate discussion of egregious intimidation at the UN; Chinese media attacks must be countered by an enhanced US international multi-media capacity that challenges, and disposes of, Chinese political warfare narratives.

China presents today in a global opinion environment which is sceptical, if not chilly; the Chinese enterprise is seen by many—particularly in the West, but including many in Asia-- to be deeply flawed. The backlash is due to several factors: Dysfunctional governance including extensive corruption among party leaders; hideous violations of human rights in instances extending from artists and writers to the people of Tibet; the bellicose nationalism expressed toward South China Sea neighbours and Japan for domestic purposes. There are policy disappointments like the refusal to act to contain North Korean fear mongering, and irrational initiatives including the designation of oil rigs as 'strategic weapons' on disputed territory; systematic cyber intrusions and theft directed at private firms including Apple and Microsoft as well as energy grids and government offices--—all of this has taken a toll on the Chinese presentation.

Just as Beijing proceeds to refine and deploy the Three Warfares over the coming decade amidst these criticisms, so Washington now appreciates the challenges to its strategic position in East Asia. The JCS and the CNO will continue the redeployment of USN assets to the Western Pacific both to demonstrate resolve

and to reassure allies, including Japan, South Korea, the Philippines and others with whom the US has good relations.

China's newly aggressive posture has done more to open doors for the US throughout Southeast Asia than even the most creative and adroit US policies could have done. The opportunity rests with Washington to build on willing allies including Japan and friends such as India to remind China that progress can be made only through acceptance of established law. Both India and Japan are deeply concerned about Chinese encroachment on their territories through the use of bogus maps and legal theories. Moreover, both nations seek closer links with the USN, including joint exercises and war games.

China's Three Warfares policy is not to designed to produce immediate results but rather to challenge the status, if not the structure, of accepted wisdom. Over the next decade, Beijing believes these managed confrontations, tensions and disputes will lead to a negotiation in which commercial, diplomatic and security dimensions will each play a part in forming a 'new normal' to Beijing's benefit.

There is a measure of risk for Beijing, however. Committing to this policy in an obvious and public manner directly challenges the international legal architecture that has guided global economic and security progress over the past sixty years. Many nations, including most notably China, have benefited directly from current law. Moreover, the United States has been a guarantor of that law and is seen by such by other nations.

China's transparent effort to alter both the law and to diminish the value of US security guarantees to nations in the region may well result in regional tensions, hostility toward China among several ASEAN states, and expanded security arrangements among those states and with the US. Thus the next decade will

determine the status of both the US and China in the region and the status of a range of laws governing maritime, commercial, and security arrangements.

VI. CONCLUSION

China's recent refusal to acknowledge Japan's ownership of Okinawa (Japan's southernmost prefecture) is an emblematic application of the Three Warfares and demonstrates that China's actions are, in themselves, refining our understanding of Three Warfares process.

In May 2013, the *People's Daily* published an opinion column by two Chinese researchers at the China Academy of Social Sciences who, citing agreements

between allied forces during World War II, commented that 'It may be time to revisit the unresolved historical issue of the Ryukyu Islands'.[447] The *Global Times* then published an article asserting that questions about Okinawa's sovereignty could help China in its long-running territorial dispute with Japan over the Senkaku Islands.

China's use of state-owned media outlets invoke bogus law and historical 'fact' to advance arguments that reconsider ownership of the islands has made productive discussion on the Senkaku more difficult. The move is, moreover, a prime demonstration of the Three Warfares' 'psychological warfare' arm and 'a classic Chinese negotiation tactic – trying to intimidate the opponent by raising the stakes'.[448]

The Okinawa debate also highlights the ability of the Three Warfares to support both China's domestic and geo-political agendas. In the sense that nationalism has replaced ideology as the predominant social adhesive, China's rulers are on favorable political ground when Japan and "humiliation" are combined to "reclaim Chinese territory".[449] Territorial disputes with Japan in particular are thus a symbol of patriotism, without which the Party would lose legitimacy.[450] Standing up for Chinese sovereignty in these cases provides the latest party boss, Xi Jinping, with a suitable platform upon which he can demonstrate his authority to both the domestic populace and military brass, as well as test China's revived status as the major power in the region.[451]

Importantly, China will not attempt a military occupation as Okinawa hosts US military installations including the Marine Corps Air Station Futenma. Moreover,

[447] Willy Wo-Lap Lam. 'China refuses to confirm Okinawa belongs to Japan'. *Bloomberg News.* May 8, 2013
[448] Ibid
[449]Keith Bradsher. 'Okinawa Piques Chinese Papers'. *New York Times*. May 8, 2013.
[450] Ian Burman. 'A Dangerous Rift between China and Japan'. The Wall Street Journal May 10, 2013.
[451] Ibid

the benefits China achieves through application of its non-kinetic Three Warfares tool make such a kinetic action unnecessary. Thus Japanese Prime Minister Shinzo Abe's comments on the need for a debate within the Japanese Parliament about the creation of a force similar to the US Marines fails to address the nature of China's non-kinetic based attack on Japan and China's appreciation that there are other ways to project power. China's refusal to acknowledge Japan's ownership of Okinawa is a clear example of its use of soft power, rather than hard power, to exert pressure and put strategically located islands into play.

A. The Three Warfares and China's Goals.

China is constructing itself as a geo-strategic nation. Domestic nationalism is replacing ideology as the force that binds disparate social groups with a common national narrative. China's foreign policy, like all other nations, is a function of domestic conditions and developments as well as national identity.

The following objectives that will continue to condition Chinese foreign policy over the next decade:

- Control of the resources within the nine-dash line and all seas contiguous to China, i.e. within the First Island Chain.
- Probe US intentions, resolve and willingness to defend Japan, Philippines and Taiwan.
- Loosen US alliances. Put US relations with Malaysia, India, Burma and others into play.

- Consolidate a Chinese sphere of influence in the “near seas”. Push the US out beyond the First Island Chain by 2015. Establish China’s heightened presence in the Western Pacific, the area west of Hawaii.
- Consolidate its regional hegemony and resolve what it regards as the “dual loyalties” of several nations on the South China Sea littoral.
- Intimidate the Philippines, Vietnam, Japan and other regional actors.
- In the event of a Sino-American conflict, use its ‘counter intervention’ capabilities (as embodied in its strategy of A2AD) to keep the US Navy beyond an effective strike range of China.
- Avoid submitting to dispute resolution mechanisms such as in ASEAN, UNCLOS and the International Court for Arbitration.

The Three Warfares provide the critical mechanism for reaching these objectives.

B. The Pressing Need to Understand the Three Warfares

The Three Warfares represent a trenchant challenge to the nature of war as we understand it. It presents three conceptual challenges:

1. Sino-Centric View of Sovereignty

Much of the challenge posed by China's Three Warfares, particularly in its challenge to the law of the sea, revolves around a fundamental conflict between the US commitment to freedom of navigation and 'innocent passage' (as codified in UNCLOS) and China's **Sino-centric view of sovereignty**.

China's view of international order, legality and legitimacy has been conditioned by its cultural and historical legacy. The **ethic of political monism** advanced by the Confucians and Legalists during the Warring States Period from roughly 475 BC to 221 BC, in particular, has had a profound and enduring impact on China.

The ideal of political monism denies that legitimate international order can rest on the formal co-equality of sovereigns, but instead must flow from a single source – namely a hegemon. China thus conceives of **sovereignty as indivisible:** 'if one had an equal, one was not sovereign'.[452]

Furthermore China's history conditions it to believe that the role of 'hegemon' properly belongs to China. This hegemonic instinct and the substantive disconnect it fosters with western understandings of international order, legality and legitimacy continues to be played out in the form of clashes over Freedom of Navigation in the South China Sea today. China thus seeks to break out of the constraints imposed by its operating environment: it is surrounded by generally coherent powers in the open region of East Asia, which does not accept a single dominant power.

2. The Chinese Concept of 'Formlessness'

Bearing in mind China's strategy of 'Anti-Access/Area Denial' in the South China Sea and its notion of 'Active Defense'[453], US military documents, particularly US

[452] Christopher Ford. *The Mind of Empire: China's History and Modern Foreign Relations.* 2010.p.53.

[453] Lieutenant General David A. Deptula, USAF (Ret) 'China's Active Defense Strategy and its Regional Impact'. Hearing Statement. U.S.-china Economic & Security Review Commission. January 27, 2011. P.1. ('China will

Department of Defense Annual Reports to Congress, have focused on the speed and character of China's military modernization efforts. Impressive as the growth has been, however, China remains deeply challenged on how to prevail against a militarily superior adversary.

The Three Warfares embody China's **deeply deceptive concept of 'formlessness'** thought to be essential for victory against a stronger foe. Deception serves as the central instrument in gaining operational initiative - creating 'misconceptions'[454] in the mind of the enemy commander to spur a series of incorrect judgments.

We see this reflected in the deployment of the Three Warfares, which contains an opaque decision-making process, and which, in its application, provides plausible deniability. In fact, an on-going schism among analysts of the Three Warfares centers on the question of whether China's initiatives in the South China Sea are centrally coordinated or not.[455]

Sun Tzu's concept of 'formlessness' describes the virtue of preventing an opponent from modelling one's actions. There are two kinds of 'forms' ('hsing'). The **tangible form** refers to one's **military deployment and force configuration**, which is readily detected by the enemy. The **intangible form** refers to the **adaptability and competitiveness of one's system**, which makes it difficult to model. Flexibility and ambiguity make it more difficult to predict and evaluate one's direction and priorities. By carefully managing the flow of information to your enemy about one's assets and capabilities, one can manipulate his perception to focus on the "tangible" in assessing your war-fighting capacity. Your true capacity—based on the "intangible"—remains hidden.

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engage in 'war only to defend national sovereignty and territorial integrity')

[454] Mark Ryan, David Finkelstein, Mike McDevitt. Chinese Warfighting: The PLA Experience Since 1949. P. 25

[455] See paper by Professor Geoffrey Till, which takes the view that assuming the Three Warfares are a coordinated process could mislead analysts.

Thus if the Three Warfares' role as a non-kinetic military technology, and China's leading edge in the troubled South China Sea region is to be properly understood, we must revisit how we assess force projection and accept the limitations of kinetic operations. The U.S's must absorb the lesson provided by China's use of the Three Warfares: namely that there are potent non-kinetic ways to both project one's power and to stymy the power-projection capabilities of others. This is a game two can play.

C. How the Three Warfares Threaten US Power Projection Capabilities

China's Three Warfares have important implications for US power projection. The United States is one of four key audiences[456] targeted by the campaign, as part of China's broader military strategy of 'Anti-Access/Area Denial' in the South China Sea.

Although China's precise objectives in the present time frame remain unclear, what is clear is that, in the event of a Sino-American conflict, China hopes that its counter-intervention capabilities will keep the US Navy out of the 'near seas' and beyond an effective strike range of China. To this end, China recognizes that the US depends upon access to the maritime commons to anchor its strategic position in Asia.

China seeks to threaten US power projection accordingly by **setting the terms for US access**. Separate from the likely kinetic exchange on, under and above the sea in the event of confrontation, the Three Warfares are the mechanism by which China hopes to establish the campaign environment. China aims to modify regional expectations and preferences, alter the governance of the maritime commons and raise doubts about the legitimacy of the US presence there.

[456] Others are China's domestic audience, the global public and the South China Sea claimants.

Four scenarios illustrate ways in which the Three Warfares may threaten future US power projection:

i. **By seeking to counter and diminish the US presence**: In locations where the US is supporting an ally or friend, China would employ coercive economic inducements, broadcast themed attacks asserting US 'decline' and that the US security guarantee is not reliable. Beijing's objective would be to diminish or rupture US ties with South China Sea littoral states and deter nations from providing forward basing facilities or other support.

ii. **By seeking to counter US surveillance operations and routine USN deployments.** Should China escalate its objections to surveillance and USN deployments in its EEZ or elsewhere in the South or East China Seas, the resulting confrontation will bring a clash of two deeply held principles; China's expansive view of sovereignty and the US commitment to Freedom of Navigation and over-flight beyond the 12 mile territorial limit. China will use legal warfare to advance its restrictive interpretation of UNCLOS and call into question the US right to deploy naval and air units in China's EEZ.

iii. **By facilitating China's global reach.** Increasing resource and energy demands--and its "Malacca Dilemma"--are forcing China to extend its global reach. The Three Warfares are being used to neutralize concerns and gain support among regional governments, business communities, and public opinion for China's growing presence, investments and military facilities, including at Gwadar, Hambantota in Sri Lanka, in Burma, the Kra Isthmus, and at Marao in the Maldives.

iv. **By hindering a possible US Offshore Control Strategy**. A strategy of Offshore Control, should it be required, involves the **execution of a naval blockade** to create a no-man's sea between the Chinese mainland coast and the First Island Chain. Its objective is to turn China's greatest strength – its **export-oriented economic growth model** – to the US advantage by cutting off needed energy and raw materials.
Its success relies on the cooperation of third parties: **The Three Warfares** would be used to condition public opinion and business sentiment and to impose economic pressure on states such as the Philippines, Indonesia, Brunei and Malaysia to inhibit governments from providing the facilities needed to service the USN operations in the South China Sea and to deny the US the favorable regional political environment necessary to a blockade's success.

D. What to Expect In the Next Decade

China is prepared to **play the 'long game'**. Through leveraging the Three Warfares China will establish a steady pace that gradually alters the operational environment in its favour over the next decade. Contributors maintain that China will continue to **refine and coordinate its non-kinetic tools** to project its will in the region over the next decade. Analysts identify the following developments:

1. **The Three Warfares will remain** the chief operational concept for China's assertion of control along its maritime periphery**.** The Three Warfares provides Beijing with a 'play-book' for resource acquisition and conflict management that can be tailored to address each new situation and target and allows Beijing to select from a range of effective, low-cost options. China calculates that the Three Warfares policy has brought near-term diplomatic tensions, it will bring long term benefits in both resources and expanded influence".

2. **The Three Warfares will continue to be the instrument of first resort** in cases where direct military action is likely to have negative collateral effects, in both the diplomatic and opinion realms.

3. **Growth in China's international law community.** Contributors expect China to become more aggressive, and perhaps influential, in the interpretation and development of international law, especially regarding UNCLOS.[457] Contributors anticipate the creation of a Chinese 'school of international law' and increased financial support to overseas academics that support Beijing's views.

   China will continue to target the historical foundations of current international law and challenge attempts by the 'expansionist and aggressive West'[458] to bind it to these laws and norms. Over the next decade we can expect to see continued efforts through China's policy of legal layering and consolidation of its maritime presence[459] to change existing norms, including the introduction of new Chinese-approved norms. China will avoid formal dispute resolution mechanisms such as provided by UNCLOS and the International Court of Justice.

4. **A strengthened international propaganda campaign**, with a particular emphasis on its messaging strategy for international audiences. Amidst growing competition from the immense and growing blogosphere and young-on-line in China who often embrace non-Party narratives, Beijing's practice of blocking international news channels during crises is likely to continue so that the CCP narrative of events remains dominant for domestic audiences. Further, the growing experience gained by Chinese propagandists will enable spokesmen to

[457] See paper 1 by Rear Admiral James Goldrick.
[458] Ibid
[459] See paper by Professor Justin Nankivell

become more effective in explaining their point of view and to target international public opinion more precisely. Contributors expect that Chinese officialdom will reiterate on every occasion that: their nation is simply defending its historic rights and interests in the south China Sea; the US hegemon is interfering unnecessarily in the South China Sea; and that China's actions are consistent with, and natural to, a great power.

5. **Civilian maritime security agencies will remain on the 'front line'** to manage incidents. The PLAN will remain in the background as a reminder of China's strength and capacity to intervene if necessary. We will continue to see China 'shadowbox' out-matched neighbors[460] on the South China Sea littoral. To this end, China will use the 'small stick' of law-enforcement, Bureau of Fisheries ships and other civilian assets to wear out small Asian navies and coast guards, particularly in key locations such as the Philippine EEZ, the Spratly and Paracel island chains. Manila and Vietnam are thus challenged to 'undo China's facts on the ground'.

6. **Norm setting beyond East Asia**: The Three Warfares will remain the policy instrument of choice to secure China's interests beyond East Asia**. S**ince 2008, for example, China's media platforms have energetically 'talked up' China's **Polar achievements** for domestic political consumption and to bolster the case that China has extensive and legitimate interests in the Arctic region[461] – and is thus entitled to a role commensurate with these interests.

7. **China's growing naval strength.**[462] Assuming China does <u>not</u> achieve dominant naval power in East Asia, projected growth for the PLAN and maritime law enforcement fleets may force 'more regular and possibly more

[460] See paper by Professor James Holmes.
[461] Isabella Mroczkowski. 'China's Arctic Powerplay'. *The Diplomat.com.* February 15, 2012.
[462] See paper by Mr. Peter Mattis

significant escorts for US collection missions'.[463] Beijing will be able to 'assert control over larger areas further afield in an administrative or law enforcement capacity'. Contributors point out that given China's current military and political warfare capabilities, and its accelerating investment in naval and para-military ship construction, East Asian nations (with the exception of Japan) will continue to be outpaced and the power projection gap will continue to grow.

E. <u>What Can the United States Do? Possible Countermeasures</u>

'The US must act now or lose the opportunity'

- Admiral Walt Doran, former Commander, United States Pacific Fleet

Going forward The Three Warfares will be used with increasing sophistication and speed, and enjoy an increased range of application.

To respond to the challenge US objectives need to be re-imagined. The US must understand that China aims to alter the prevailing international legal architecture and perceptual frame that rationalizes it. Moreover, China's challenge to the international liberal order does not suggest China must achieve parity with the US in order to effect these changes or amendments of the international system.

With China's goals in mind, **US countermeasures would include the following:**

[463] Ibid

- **Underscore ASEAN's status as an authoritative multilateral regional forum but avoid, at this time, forcing ASEAN nations to choose between the US and China.**
- Encourage allies and friends to support UNCLOS, ASEAN and established international courts and **underscore US determined commitment to the principle of Freedom of Navigation and the multilateral resolution of disputes via the UNCLOS mechanism.**
- Underscore alliance relationships with Japan and the Philippines.
- Further develop friendships with Vietnam and India.
- Proceed with frequent, high profile FON operations in the South and East China Seas.
- Maintain a regular schedule of transit and over-flight of US vessels and aircraft through China's claimed EEZ without requesting prior approval.
- Increase port calls and enhance relations to support USN re: the First Island Chain—principally the Kuril Islands, Japanese Archipelago, Ryukyu Islands, Taiwan, the northern Philippines and Borneo; from the Kamchatca Peninsula to the Malay Peninsula.
- Confirm and expand basing, access and support rights where possible from nations around the South China Sea littoral.
- Maintain economic and commercial relationships with China.
- Welcome China's participation in such arrangements.

To secure US objectives over the next decade, the US' response to the Three Warfares must be holistic, integrated and coordinated. This cannot be accomplished by individual departments and agencies seeking to counter specific Three Warfare elements. Instead, the US must recognize the Three Warfares' status as a tri-part dynamic, where the whole is much greater than the sum of its parts. A focused US response might be provided by adding personnel to the NSC China

staff to monitor China's application of the Three Warfares, develop counter measures policy and evaluate its implementation.

The following specific countermeasures provide a useful starting point:

Countermeasures to Legal Warfare

i. The US needs to be mindful of China's assault on today's international legal institutions; Washington should **underscore the primacy of UNCLOS** and the authority of the International Court of Justice and the United Nations.

ii. **Defensive measures alone are not adequate**.

a. China mounted an assault on the legal structure that has facilitated its economic rise. Its objective is to remove the legal and institutional architecture and replace it with new "China-friendly" legal concepts or law with "Chinese characteristics".

b. Given China's dysfunctional legal system, those who would be subject to such a regime should be made aware of China's direction and the choice Beijing proposes. This should be done through intense diplomacy, global media, and sustained, direct criticism of China's domestic legal process. Tibet, corruption cyber-theft, intellectual property may offer places to start.

iii. Promote the use of the **UNCLOS Dispute Settlement Mechanism** and fully support the Philippine's effort to bring China to international arbitration.

a. The US should expose China's legal arguments to rejection by recognized legal experts. Leveraging the legal process will enable other smaller littoral claimants to present themselves as an equal to China and

may convey the additional benefit of swinging international public opinion away from China.

b. The US should become a **signatory to UNCLOS**.

iv. Counter China's position regarding **rights of foreign navies in EEZ**. The US does not recognize China's restrictions on its EEZ and thus should continue its transits through China's EEZ, in accordance with UNCLOS.

a. The US should assume a secondary role in this process to prevent China from portraying it as an US hegemonic exercise. ASEAN should be a front player in this process.

b. Ensure that China's own practice of conducting military activities in the EEZs of foreign states, without the consent it demands, is publicized.

v. Assert **no basis for China to claim 'historic rights'** by challenging China's self-serving maps, referencing legal experts and facilitating their appearance in the media.

vi. Incorporate legal warfare countermeasures into **US operational planning and training.**

a. Israel's '**operational verification' measures** provide an example of an effective legal countermeasure program. These measures provide Israeli combat units with trained documentation teams.

b. To counter charges of illegal activities, these teams provide real-time documentation of military activities. Navy Judge Advocate General Corps (JAG) personnel might assume this responsibility as a part of their brief. Having JAG personnel present to swiftly invalidate China's claims

may go some distance in preventing China's lawfare arguments from gaining traction

vii. **Frame Sansha City incident as PRC vs. ASEAN matter**

a. China's innovative use of lawfare to establish Sansha city should be dealt with by ASEAN as a concerned regional forum.

b. The current shift in Chairmanship from China's close ally, Cambodia, to Brunei may present an opportunity to do this.

c. It should be made clear to other nations in the region that what China has done in Sansha City can be repeated in the Spratlys, Paracels, Mischief Reef and so on.

viii. Promote a **global and regional discussion of sovereignty**. Publicize the mid-17th century origins of sovereignty and its long history in the law including mid-20th Century provisions on maritime rights. Encourage discussion in official and public fora; highlight expert impartial legal judgment on the issue.

ix. **Combat the 'false equivalency'** inherent in western 'objective' media reports that place Chinese state-framed reports on a par with those of objective western media outlets.

Countermeasures to Media Warfare

Of necessity, due to the nature of the media, it is not possible to counter media warfare within the military context alone. It must be structured to address separate aspects of the Chinese presentation and flows into areas that might be considered the purview of the State Department or public diplomacy programs. Yet, in this case China's media effort, as part of the Three Warfares, facilitates a military

technology designed to achieve specific national objectives. Accordingly, the suggestions that follow are designed to address opinion formation and to educate global publics with established facts.

i. **Conduct regular briefings on the situation in the South China Sea. Generate a discourse to which the PRC must respond.**
   a. Articulate and publish reliable information to educate global publics on the US position and the implications of the Chinese challenge.
   b. Publish a short easily understood document that outlines the important parts of the UNCLOS treaty and describe how they have been the object of Chinese manipulation and re-interpretation. This could function as a prophylactic to safeguard against Chinese propaganda efforts.

ii. **Issue targeted statements** that extend beyond clarification of US policy and intentions. Take steps to directly counter Chinese statements and justifications for offensive and illegal PLA operations.[464]

For instance, each time a Chinese official or authoritative person alleges that the US seeks to contain China, an authoritative US response would include: 'The rebalance is *not at all about China,* nor is it an attempt to contain China. Those familiar with East Asia realize that none of China's neighbors would support a containment strategy'.[465] This approach will help to undermine the *thematic frames* China uses to ground its media releases. Furthermore Rear Admiral James Stark highlights that the US should underscore that the objective of the Asia rebalance is to ensure fair treatment of all nations in the region so that they are not intimidated by larger, more powerful neighbors.[466]

[464] See paper by Rear Admiral Mike McDevitt
[465] Ibid
[466] Rear Admiral James Stark comments in discussions with Project Director.

iii. **Emphasize that it is the American commitment to the South China Sea region and "freedom of navigation" that permits China to claim that freedom of navigation has not been hindered.**

a. There is an on-going competition inside China over the free flow of information. The rise of personal mobile technology and social media networks in China and throughout the region have complicated CCP propaganda narratives. **These technologies and software innovations allow openings through which the PRC narrative can be challenged and the facts can be aired in Chinese for a Chinese audience....something the US may wish to exploit**. Based on doubts caused by China's previous false narratives, China is now particularly vulnerable to corrections by videos and photographs via websites such as *YouTube*. At the same time, China's security and propaganda apparatus has not been quiescent. Through a combination of automated internet censors, hired bloggers/contributors, and other methods, Beijing has been vigorously challenging for this space.

iv. **Visa parity for American journalists is essential**. Hundreds of Chinese journalists representing state-owned media outlets operate in the US. Reciprocal access for US media is not granted. In view of the strategic role of information today, agreement must be reached on equal representation. If China does not provide the US media the same access accorded Chinese media in the US, the USG should reciprocate by cancelling their visas and limiting them to the same number the US media has in China.

v. **Expand the US Public Diplomacy Program.** Chinese policy-makers understand that in 2013 it is not whose army wins, it is whose story wins. The

US must present itself as a reliable source of information, available on a regular basis.

a. Public diplomacy leadership positions should be filled with public messaging strategists sensitive to cultural, historical and social contexts to ensure a new strategy is conceptualized and implemented.

vi. **US strategic communications have been neglected.** Neither the Congress nor the administration has absorbed the decisive role played by this new soft warfare. Analysts note that while the US Broadcasting Board of Governors' Strategic Plan 2012-2016 seeks to elevate the Voice of America and Radio Free Asia to be one of the 'world's leading international news agencies' by the year 2016, **the more important issue is to determine what objectives we want to reach and how we get there....a basic ends-ways-means approach to using VOA and RFA as US tools**. It is well to remember Eisenhower's concept of the USIA, namely that it was not in the journalism business, per se, as conceived under the constitutionally-protected free press. It was an instrument of US foreign policy.

vii. **Military public affairs officers** (PAOs) should receive improved strategic communications and public diplomacy training in order to respond to Chinese political warfare efforts and when possible, seize the initiative.[467]

viii. **Sustain funding for military information support operations** (MISO). MISO develops and administers communications programs designed to support USG and DOD activities and policies. MISO operations provide programming to foreign audiences to influence their emotions, motives, objective reasoning,

[467] Dean Cheng. 'Winning Without Fighting: Chinese Public Opinion Warfare and the Need for a Robust American Response'. *The Heritage Foundation: Backgrounder.* Number 2745. November 26, 2012. P.8

and ultimately the behavior of foreign governments, organizations, groups, and individuals. MISO is facing possible budget cuts.

ix. **Expand and deepen interaction with the editorial boards of major global news organizations.** Actively expand relations with news organizations around the world, such as the BBC, *Le Monde*, the Globe/Mail in Canada and Al-Jazeera with the goal of avoiding 'false equivalency' situations that place Chinese arguments—based on revised history, bogus law and political aspiration—on a par with reporting from multi-source global news outlets. Initiatives of this type will educate editors and journalists on the details of the issues at hand.

x. Leverage China's **sensitivity to public criticism.** Publicize international opinion polls, such as *Gallup, U-Gov* and *Pew,* which present public criticism in a format that is familiar to western governments but is unfamiliar to CCP officials.

Countermeasures to Psychological Warfare

i. **Exploit China's fear of alienating ASEAN.** China wishes to avoid a confrontation with ASEAN. Quietly coordinate with and support Brunei as the new ASEAN Chair.

ii. Consider creating in the Pacific Ocean a force similar to the Cold War era's **"Standing Naval Force Atlantic".**

iii. **Maintain US. Navy Carrier Presence. USN should use the opportunity of CVN transits to the Mideast and the Indian Ocean** from the West Coast for exercises, training and FON operations in Southeast Asia.

iv. Provide **increased security assistance** to enable Japan, Taiwan, Korea, the Philippines and other regional players to sustain themselves with confidence. Increase security assistance with each instance of Chinese aggression.

v. Establish a baseline of acceptable conduct in the region and at sea so that PRC decision-makers know that when they violate international norms, the US will respond.

a. **An 'order at sea' regime** should be established in the key operating arenas of both the US Navy and PLAN. To this end, PACOM headquarters and the Joint Chiefs of Staff should agree upon a realizable set of objectives and seek to establish a Sino-American version of the UNCLOS Declaration for Conduct of Sea.

b. **Freedom of Navigation exercises** should be timed to respond to excessive PRC behaviors, such as the cutting of towed arrays or interfering with another country's legitimate oil exploration efforts.

c. The **US should avoid cancelling planned exercises when senior officials visit Beijing as this conveys a mixed message and is damaging to US efforts to consistently portray confidence and reassurance to other South China Sea claimants**. By underscoring US consistency of action this will deny China from capitalizing on certain time-frames where the US navy may be reluctant to act.

vi. Establish an **incident management procedure**. When incidents such as the Scarborough Shoal episode occur, the opportunity arises for an **immediate and dramatic increase in security assistance to the affected nation.**

vii. PACOM's message-- <u>reassurance.</u> East Asian nations are anxious about China's intentions. Washington's message of confidence and reassurance, with 'no hints of uncertainty even in private', is important.[468]

a. Using public occasions and available media, PACOM's clear message is that:

-- the Chinese *will not* push the United States out of East Asia;

-- the US has underpinned stability and growth in the region and in the world for six decades and will continue to do so.

b. **Dismantle China's 'New Concept of Security'.** The **themes include:**

--US alliance system is the key to stability in East Asia. It acts as a bulwark and deterrent against aggression.

-- China's concept of security neither deters nor prevents aggression. [469]

-- PACOM should underscore to East Asian nations that a nearby hegemon, such as China, is far more dangerous to local states than a distant power such as the US, which has no territorial ambitions in the region.[470]

viii. Reinforce US 'Air-Sea Battle' concept. Analysts urge the issuance of a forthright statement to the effect that the US 'Air-Sea Battle' concept while highly classified and thus not available for open discussion**, *will be effective* in countering China's A2AD system.**[471] Thus the US would push back against China's psychological attempt to sow doubt among US allies by pointing to a

[468] See paper by Rear Admiral Mike McDevitt.
[469] See paper by Rear Admiral Mike McDevitt
[470] Rear Admiral James Stark comments in discussions with Project Director
[471] Ibid

specific initiative, that demonstrates in concrete terms, that the US is committed to securing access where tactically indicated.

a. This should be linked to the “rebalancing” to Asia which is underway and which will see the US Pacific Fleet comprise some 60 per cent of overall US Navy strength.

b. Contributors identify ‘Air-Sea Battle’ as PACOM’s ‘key psychological weapon’.[472]

ix. **Schedule regular releases to the regional media. Remind audiences of US capabilities and improvements.** Analysts argue that much should be made of each newly commissioned ship that joins the Pacific Fleet and any additional USAF capability assigned to PACAF.[473] In this manner, US allies are provided with tangible evidence to support the US rhetoric of reassurance and increased capability.

a. If, for example, the US is to have access to the new seaport and adjoining runway being re-built at Pagasa Island in the southern Philippines, formal announcements should be made by the Philippine government that the facility will be available to the US or that construction of the facility was made possible by US financial assistance—or both.

x. The US should explore the **idea of a “Group Sail”** through the South China Sea. This idea is not widely supported by contributors although it has been arisen several times in discussions at PACOM and APCSS and at the USNWC. Were such an initiative to be taken it could include vessels from nations on the South China Sea littoral together with vessels from India, Australia and others.

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[472] Ibid
[473] Ibid

a. The benefit of such an exercise would be to demonstrate international commitment to freedom of navigation in the South China Sea. It would internationalize the issue in dramatic terms making it very difficult, if not impossible for China to assert claims of sovereignty in the 2.5-3.0 million square miles within the 'nine dash line'. The Chinese could also be invited to participate in the multilateral group sail—although it is not likely Beijing would accept.

b. Several contributors believe the prospects for a 'Group Sail' are remote.[474] With the possible exception of the Philippines and Australia in the region, they think other nations would be reluctant to participate in an event that would be construed as anti-Chinese. Nonetheless a 'Group Sail' would provide a unique platform to showcase the combined maritime capabilities of participants—perhaps including Australia, Philippines, Japan, and 'out-of-region' nations intent on underscoring the principle of 'freedom of navigation'.

c. **A more realistic option may be CARAT (Cooperation Afloat Readiness and Training), the annual naval exercise.** Here a small US Navy Task Force conducts a rolling series of bilateral military exercises between the US Navy and the armed forces of Bangladesh, Brunei, Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand, with Timor Leste recently joining for the first time in 2012. This exercise is supervised by the Seventh Fleet's Task Force 73 commander permanently stationed in Singapore.[475] This exercise could possibly be extended to include others such as Vietnam, in order to underscore the

[474] Ibid
[475] Ibid

on-going US commitment to the region. (The US Pacific Fleet has overseen this exercise for 18 years).

xi. **Increase economic/commercial relations and security assistance to ASEAN nations.** To bolster US allies and other littoral states in the South China Sea the US should expand its economic and commercial relations with ASEAN nations to diminish the potential psychological impact of any economic/commercial coercion China may employ. The lesson intended for Beijing is that aggressive action against US friends and allies will be met with immediate and significant increases in security assistance.

xii. **Cyber-security. Significant efforts are underway to strengthen cyber security. Every effort should be made to avoid budget cuts in this area.**

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This study has assessed a trend that may fundamentally alter the competitive position of the United States in the South and East China Seas region; it has identified the elements of the challenge presented by China's Three Warfares; it refines our understanding of the historical and legal dimensions of the Three Warfares and examines the conditions surrounding Beijing's use of this concept. It analyses its potential impact, reviews the implications for US planning and deployments and identifies practical countermeasures to lawfare, media and psychological warfare. The analysis then links these countermeasures to a strategy for US force projection in the South China Sea and the Western Pacific.

The Three Warfares in a new light.

The Three Warfares is analyzed here as a flexible and nuanced three dimensional war- fighting process; it is, in effect, war by other means.

It is a dynamic tri-part synergistic process. It is uniquely suited to an age where success is often determined by whose story rather than whose army wins and arrives at a time when mass weapons, though a deterrent, have been essentially unusable for sixty years, where kinetic force has too often been a recipe for disappointment and ‘un-won’ wars

The Three Warfares introduces a powerful new dimension to inter-state conflict and may, in time, impact the conduct of war in ways not dissimilar to the modern introduction of ‘Special Operations’ warfare. It has the clear potential to modify, if not change, the game.

In the Coming Decade:

In the decade ahead we can expect to see the Three Warfares spearheading PRC aspirations in the Arctic and Antarctic regions. Closer to the focus of this study, the Three Warfares will play an increasing role in China’s efforts to expand its frontiers, and to secure the maritime perimeter encompassing Japan, Taiwan, Korea, the Philippines and the South China Sea. China intends to control the First Island Chain by approximately 2015 and the Second Island Chain by 2050 to achieve, among other things, sea-denial to the United States. To this end, recognizing that the US depends upon access to the maritime commons (and Japan) to anchor its strategic position in Asia, China will attempt to curtail US

power projection by **setting the terms for US access** via application of the Three Warfares.

A modest proposal

At present, the US government lacks an office to coordinate countermeasures to the Three Warfares. Such personnel could, perhaps, be attached to the China Desk at the NSC. This report provides an outline of the issues and possible steps to be taken. An inadequate response to this challenge could well result in the US being out-maneuvered in this vital regional space, and in fact unable to maneuver within it, over the next decade.

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We conclude with the observation that if the object of war is to acquire resources, influence and territory and to project national will upon regional and global affairs…

China's Three Warfares is war by other means.

Churchill would have said "Action this Day."

VII. LIST OF FIGURES

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VIII. CONTRIBUTORS AND COMMISSIONED PAPERS

1.

CHINESE PROPAGANDA AND POSITIONING IN THE SINO-AMERICAN CRISES:

THE EP-3 AND THE IMPECCABLE CASES

PETER MATTIS

This paper addresses China's application of the "Three Warfares" in the Sino-American crises surrounding the EP-3 Incident in 2001 and the USNS Impeccable Incident in 2009 to shape the structure and outcome of the confrontations. In both cases, Beijing attempted to frame the crisis as the natural result of US violations of international law and Chinese actions as justifiable responses to illegal actions. This crisis definition was intended to shape acceptable US responses,

> place the onus for action on Washington, and persuade international audiences that China was the aggrieved party. If the "Three Warfares" are intended to "win without fighting," then, in the broader context, these crises (and others like them) should be read as a deliberate effort to test whether China's attempts to redefine the international landscape, e.g. the meaning of sovereignty in the South China Sea, are working. Crises are the only way for Beijing to learn whether peacetime use of the "Three Warfares" is working, because of the inability to assess the effectiveness of propaganda rigorously. Chinese and US positions on the issues at stake here—including free passage and the meaning of maritime sovereignty—are mutually exclusive, suggesting these will be recurring issues with a China that is becoming more skillful at international communication and more capable in its maritime periphery.

Overview

The Chinese People's Liberation Army (PLA) released a new set of "Political Work Regulations" in December 2003 that elaborated the "Three Warfares" (*sanzhan*): public opinion warfare, psychological warfare, and legal warfare. In many ways, these are not new concepts to Chinese strategic thinking, but rather a formal elaboration of existing practices to shape the environment of ideas surrounding China's national security.[476] This objective was visible in Beijing's

[476] The "Three Warfares" appears to be the PLA codification of a set of practices that have been ensconced in Chinese diplomacy and primarily are directed at placing the adversary in a psychologically disadvantageous position. See, Richard Solomon, *Chinese Negotiating Behavior: Pursuing Interests through 'Old Friends'* (Santa Monica, CA: RAND, 1995). In Chinese military history, the "Three Warfares" can be traced to a stratagem-based

handling of recent Sino-American crises—two of which, the EP-3 Incident in 2001 and the USNS Impeccable Incident in 2009, are examined here. In each case, China attempted to frame the crisis as the natural result of *US violations* of international law and Chinese actions as *justifiable responses* to illegal actions. The crises themselves can be seen as testing the extent to which China's efforts to establish new standards related to sovereign territory and international law have been successful.

At the outbreak of each of the crises, Beijing's propaganda strategy followed four main thrusts to place responsibility for causing the incident, and for its successful resolution, on Washington:

- Establish China's Version of the Incident;
- Statement of Principles for Resolution of the Incident;
- Shut Down Unofficial but Normal Information Channels;
- Stress Beijing's Commitment to the US-China Relationship.

Establishing What Happened: At the opening of each crisis, Beijing issued statements about the incident, setting the Chinese position on the events in question. This becomes the Chinese position and, while Beijing may have been flexible in negotiating a resolution, the initial public statements stand.

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approach (*mouluezhan*) to conflict. As described by William Whitson, "The practitioner of *mouluezhan* starts from the premise that he is engaged not in destroying the enemy physically but in confusing him mentally…The idea is based on a deeper philosophical idea that any situation is not objectively real. It is instead a projection of many perceptions, especially the perception of leaders." For the Whitson letter, see, Timothy Thomas, *Dragon Bytes: Chinese Information-War Theory and Practice* (Fort Leavenworth, KS: Foreign Military Studies Office, 2004), 82. Efforts to manipulate the adversary's mind and will to fight/contest have played a central role in Chinese strategic thinking and practice at least since Sun Tzu's *The Art of War* and are a celebrated element of the Chinese classic, *The Romance of the Three Kingdoms*. The idea of "Legal Warfare" is a modern adaption, based on the recognition that "the law" can be persuasive tool in shaping today's international competitions and defining the scope of that competition.

Statement of Principles: In negotiations, Chinese officials often begin the discussion of the principles that will be used to resolve the issues at stake. This prelude, often tedious to more practically-oriented Western diplomats, is an important phase, because these commitments will be used repeatedly.[477] China's use of the "Three Warfares," thus, can be seen as a public statement of principles intended for both domestic and foreign audiences to strengthen the Chinese negotiating position and to set the bar for a minimally-acceptable resolution that meets Beijing's commitments to the Chinese public.

Establishing Information Control: Under normal circumstances, foreign journalists and officials have wide-ranging access to the Chinese government—albeit more shallow than foreign correspondents enjoy in Western countries. Moreover, Chinese media carry a wide range of opinions usually within officially-defined parameters.[478] US interlocutors, however, complain their Chinese counterparts refuse communication, including via personal channels, once a probable crisis begins. This suggests the "Three Warfares" become more focused during a crisis and potentially distracting messages, except those that suggest more aggressive Chinese action, are shut off.

Beijing's Commitment to the US-China Relationship: By placing China as the proponent of the relationship, Beijing implies Washington does not take the relationship seriously and any damage to US-China relations comes as a result of

[477] Solomon, *Chinese Negotiating Behavior*, 71–74.
[478] Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham, MD: Rowman & Littlefield Publishers, 2008), 53–92.

US actions. The crisis, thus, becomes a test of US goodwill and intentions—irrespective of Chinese actions.

If the objective of the “Three Warfares” is winning without fighting, then observers also need to look beyond individual crises. Winning without fighting, in these cases, requires persuasion of foreign powers to accept China’s positions on sovereignty over time. A crisis should be read as a checkpoint for these efforts. Although the instances of the crises discussed here perhaps could not have been ordered specifically by Beijing, the context of increasing harassment of similar US reconnaissance missions indicates China’s actions during these circumstances were not entirely reactionary. The normal pressure on US reconnaissance planes and ships is quiet and normally handled through bilateral channels—little information exists in the public domain about China’s interference despite the routine nature of the missions. Escalating Chinese pressure that inevitably leads to crisis, then, probably reflects both (1) a specific decision and (2) Beijing’s desire to internationalize the sovereignty issues to test foreign reactions. In the ideal potential outcome, the United States stands alone while sovereignty on China’s periphery is redefined.

EP-3 and Hainan Island Crisis (April 2001)

In the early days of the George W. Bush administration, the PLA progressively applied pressure to US naval survey ships and reconnaissance flights along China’s periphery. On March 23, 2001, a PLA Navy (PLAN) Jianghu III-class frigate

confronted the hydrographic survey vessel USNS Bowditch, ordering the US vessel to leave the area. Although the USNS Bowditch later returned to the area with an armed escort, the confrontation is illustrative of Chinese pressure and presaged the EP-3 incident a week later. On April 1, a Chinese J-8II fighter intercepted a regular EP-3 reconnaissance flight roughly 70 miles off of Hainan Island—a Chinese province home to several important PLAN and PLA Air Force facilities. After closing within 3 to 5 feet on several occasions, the two planes eventually collided, damaging the EP-3's engines and nose cone. The Chinese fighter crashed into the sea and the EP-3 made for the military airfield at Lingshui. The US crew attempted to radio Chinese aviation authorities requesting an emergency landing, but, without a response, the EP-3 still landed per international procedures that allow such unauthorized landings under emergency circumstances. PLA soldiers surrounded the aircraft, took the crew into custody and held them for the next twelve days.

US Pacific Command issued a cautious press notification on March 31 (April 1 Beijing time), stating the following: "a US Navy EP-3 maritime patrol aircraft on a routine surveillance mission over the South China Sea was intercepted by two People's Republic of China fighter aircraft. There was contact between one of the Chinese aircraft and the EP-3, causing sufficient damage for the US plane to issue a 'Mayday' signal and divert to an airfield on Hainan Island." The press release also indicated the United States contacted the Chinese side about the incident and requested the crew and plane be treated according to international practices. There was no statement of responsibility.

The Chinese position, however, was more provocative and included demarches given to the US Embassy in Beijing and to the State Department on April 1 and April 2 for violations of Chinese sovereignty. The Ministry of Foreign Affairs described the collision as “the US plane suddenly veered at a wide angle towards the Chinese planes, which were closer to baseline of the Chinese side. The US plane's nose and left wing rammed the tail of one of the Chinese planes, causing it to lose control and plunge into the sea.” Not only was the United States responsible for the crash, but the EP-3 flight itself was already in violation of international law, performing reconnaissance in ostensible contravention of free passage. [479] As the Xinhua News Agency summed up most concisely later in language that would be repeated and rebroadcast: “the US aircraft misused the freedom of overflight in the airspace off China's coast, flew against flight rules, crashed a Chinese jet, and entered into China's territorial airspace and landed at China's military airport without permissions, which have constituted a case of seriously violating international law.”[480]

Chinese press during the two weeks that the EP-3 crew was detained consistently echoed these themes. First, the US side was at fault for multiple reasons not including the EP-3’s swerve into the Chinese F-8II. Second, US actions were illegal from the EP-3’s entry into the Chinese EEZ for purposes other than free passage through the violation of Chinese territorial airspace without permission. Third, the incident should impact the long-term development of Sino-American relations. Fourth, because the incident resulted from US illegal action, the US side can resolve the issue by apologizing and ceasing reconnaissance operations in China’s EEZ.

[479] “Chinese FM Spokesman Gives Full Account of Air Collision,” Xinhua, April 3, 2001.
[480] “US Seriously Violates International Law,” Xinhua, April 16, 2001.

The basis for China's position about US responsibility was advanced through legal arguments more reflective of "rule by law" than "rule of law"—the central premise of "Legal Warfare" as an element of propaganda.[481] Beijing's primary argument was that Chinese domestic law should take precedence in the EEZ—a point that would be further developed in the USNS Impeccable incident eight years later. Citing the following passage from the UN Convention on the Law of the Sea, the Chinese Ministry of Foreign Affairs argued domestic law and law enforcement activity should overrule the US position on free passage: foreign airplanes and vessels "shall have due regard to the rights and duties of the coastal state and shall comply with the laws and regulations adopted by the coastal state in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this part." In other words, Chinese domestic law applies to the EEZ and Beijing can define what constitutes freedom of navigation.

The second part of Beijing's argument for excluding US reconnaissance missions from China's EEZ rested on equating reconnaissance with the threat to use force and other military activities proscribed under UNCLOS.[482] After the plane went down, the Ministry of Foreign Affairs argued, since the US reconnaissance was directed at China, the EP-3's mission went beyond what was acceptable as overflight because it was a military mission. They argued the following:

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[481] Dean Cheng, "Winning without Fighting: Chinese Legal Warfare," Heritage Foundation Backgrounder, May 21, 2012.

[482] Interestingly, China's own view of intelligence is that it is an activity only reflective of competition, because the protection of national interests transcends peace and war. See, Zhang Shaojun (principal editor), *Junshi qingbao xue* [The Study of Military Intelligence], (Beijing: Junshi Kexue Chubanshe [Academy of Military Science], 2001), 89.

> "Article 3 of the Convention on International Civil Aviation, concluded in Chicago in 1944, not only sets the same rule, but also states clearly in this article to strictly tell civil airborne vehicles from military airborne vehicles. According to Article 3, 'No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement, or otherwise, and in accordance with the terms thereof'. It has been a set rule that foreign military planes cannot enter into the territorial airspace of another country."

Moreover, according to the Ministry of Foreign Affairs, "The international law has only references to civil airborne vehicles and have no reference to military airborne vehicles. [sic] All countries have strict procedures on this, because state sovereignty and national security are involved. International law also does not acknowledge what was called by the [United States] as an emergency landing right owned by military planes."[483] The foreign ministry spokesman stated "the US warplane entered China illegally, so it can not enjoy immunity, for only aircraft which enter China in accordance with the law can be protected by law." [484] Consequently, the provisions of China's State Security Law and regulations governing the monitoring of sensitive government installations would apply.

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[483] If the EP-3 flight had been within the 12-mile territorial boundary of Chinese airspace, then Beijing's position here would be correct. The EP-3 qualifies as a "state aircraft" and, without Chinese permission, would have been violating the Chicago Convention. However, because the EP-3 was flying in international airspace when it became "distressed," the same convention states "Each contracting State undertakes to provide such measures of assistance to aircraft in distress as it may find practicable..." For a more thorough analysis, see, Frederic Kirgis, "United States Reconnaissance Aircraft Collision with Chinese Jet," *ASIL Insights*, American Society of International Law, April 2001, available online <http://www.asil.org/insigh66.cfm>.

[484] "Chinese FM Spokesman Gives Full Account of Air Collision," Xinhua, April 3, 2001.

Ultimately, Beijing did settle for US non-apologies for the incident, released the US airmen, and returned the EP-3 in boxes. This outcome, however, does not preclude Beijing's efforts to shape international opinion from having the intended impact. In a comparison of Xinhua and New York Times articles from April 2001 to November 2001 covering the incident, two analysts tracked a correlation between Xinhua's negative coverage of US actions and New York Times articles that became progressively critical.[485] This is reflected in then-special assistant to the US ambassador John Keefe's retrospective analysis. For example, Keefe wrote "Some analysts have asserted that President Bush was too tough in his initial statement and that it put President Jiang 'in a box' that made quick resolution impossible. This is inaccurate because the US statement only called on Beijing to respect the lives of the aircrew and the integrity of US government property and China issued the first statement blaming the United States for the collision and demanding an apology."[486] Elsewhere, the US decision to release a tape of the dead pilot Wang Wei harassing other US surveillance aircraft, flying close enough for his email address to be read on a piece of paper, was considered a US provocation and signal that the US was escalating the crisis after the release of the crew. Finally, Western media juxtaposed Xinhua's version of events with US statements without subjecting either side to analytic scrutiny, giving Beijing's propaganda pronouncements equal standing.

USNS Impeccable Incident (March 2009)

[485] Peter Calla mari and Derek Reveron, "China's Use of Perception Management" (*International Journal of Intelligence and Counterintelligence*, Vol. 16, No. 1, 2003), 6–12.
[486] John Keefe, "Anatomy of the EP-3 Incident, April 2001," Center for Naval Analyzes, January 2002.

On March 8, 2009, Chinese state vessels closed within 25 feet and circled the USNS Impeccable while it was conducting a routine hydrographic survey in China's EEZ, following days of harassment. Crewmen on one of the trawlers also attempted to hook the USNS Impeccable's towed array, endangering both ships. The United States identified the ships as belonging to the PLAN, Bureau of Maritime Fisheries, and the State Oceanographic Administration as well as two unidentified trawlers. The US crew also turned fire hoses on the Chinese vessels as they closed. The final day of incidents to the US authorities publicizing the incidents after quiet demarches failed to ameliorate Chinese interference with the survey mission.

Beijing's response, however, provided a startling elaboration of the China's earlier position about the illegality of US reconnaissance missions in the EEZ. Reiterating all of the aforementioned legal arguments, China denied any international incident. The Foreign Ministry spokesman Ma Zhaoxu stated "The US Navy ship Impeccable broke international law and Chinese laws and regulations…The US claims are gravely in contravention of the facts and unacceptable to China." Ma explained "the UN Convention on the Law of the Sea, the Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China, and the Regulations of the People's Republic of China on the Management of Foreign-related Marine Scientific Research, have clear regulations on foreign vessels' activities in China's exclusive economic zones."[487] The only description of the incident provided by the ministry was as follows: "Innocent passage by naval vessels from other countries in the territorial waters in the special economic zone is acceptable, but not allowed otherwise…the US vessel had conducted activities in

[487] "China Lodges Representation as US Naval Ship Breaks Int'l, Chinese Laws," Xinhua, March 11, 2009

China's special economic zone in the South China Sea without China's permission."[488]

This stunning elaboration of the primacy of Chinese domestic law in international waters, albeit where China has exclusive economic development rights, allows Beijing to claim its actions are a normal part of the state's operations. And the two principal state agencies with foreign responsibilities, the Ministry of Foreign Affairs and the Ministry of National Defense, simply deny the standing (or, in legal terms, *locus standi*) of foreign governments to negotiate with Beijing on these issues. Ma stated "The Chinese government always handles such activities strictly in accordance with these laws and regulations." His PLA counterpart described Chinese actions surrounding the USNS Impeccable as "China conducts normal activities of law enforcement in its own exclusive economic zone to defend its rights and interests, and such activities are justified and lawful."[489] On the sidelines of the National People's Congress, Wang Dengping, political commissar of the PLAN Armament Department, stated "It is our sovereignty for Chinese vessels to conduct activities in the country's special economic zone, and such activities are justified." Issues of domestic law enforcement, as far as Beijing was concerned, are not matters for diplomacy or international discussion. Official Chinese press and statements kept to this line, denying that any incident beyond a domestic legal affair had occurred. Once again, the fault stood with the United States and a statement was issued saying Chinese leaders "demand that the United States take effective measures to prevent similar acts from happening."[490]

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[488] "Navy Lawmaker: Violation of China's Sovereignty Not Allowed," Xinhua, March 10, 2009

[489] "Defense Ministry Urges US to Respect China's Security Concern," Xinhua, March 11, 2009.

[490] "China Lodges Representation as US Naval Ship Breaks Int'l, Chinese Laws," Xinhua, March 11, 2009; "Navy Lawmaker: Violation of China's Sovereignty Not Allowed," Xinhua, March 10, 2009.

China's shaping messages once again tested a specific legal interpretation that justified Chinese non-engagement over the substantive issues at stake in the confrontation. Because of the ostensible US disrespect for China's domestic law, Washington again was at fault for the incident and the violation of Chinese law signaled malicious US intent for the US-China relationship. Resolution, therefore, rested on US commitment to the relationship—according to Chinese statements, Beijing already was committed to the US-China relationship despite US actions showing malicious intent.

Beijing's efforts to shape international perceptions of the incident, arguably, were far less successful in this case, because US authorities made active efforts to support their version of events. Photographs and videos of the encounters demonstrated the falsity of China's version of the USNS Impeccable's harassment. Even when Western media outlets juxtaposed Chinese statements with the US position, the visual proof of Chinese actions taken by state and PLAN vessels prevented the kind of false equivalency seemingly prevalent in the previous 2001 crisis as photos and screenshots ran as newspaper pictures and online thumbnails. Consequently, this incident—much more than the EP-3 incident in 2001—increased regional suspicions of Beijing's intentions and behavior.

Conclusions

The Chinese “Three Warfares” positioning aims to put the United States on the defensive and into a position where the initiative to “resolve” the crisis falls on Washington. Beijing does this by using a legal justification that sounds reasonable to all but the analyst well informed of the details of China’s treaty commitments. By shutting off other channels of information, the Chinese official lines become the only sources of information, forcing interlocutors to rely on them for sourcing. Unless the US Government is prepared to publicize proof of Chinese actions as it did in the USNS Impeccable incident in 2009, Beijing benefits from Western media’s belief in objectivity. The strategic nature of China’s objectives to change international legal standards relating to sovereignty described in these two cases, however, suggests observers should look beyond these crises for applications of “winning without fighting” and view the crises as testing points for China’s progress on their objectives. This section concludes with several points that should be considered in meeting China’s propaganda challenge.

Exploiting US Media Processes

Beijing’s ability to control foreign access to senior officials and well-connected individuals bolsters the efficacy of “Three Warfares”-related efforts during the time of a crisis. Shutting down contacts forces US media to rely on official press and, to fill column inches on China, journalists necessarily use official press as an important source for what is going on within China. This practice is exacerbated within domestic and foreign crises, because normal contacts cease. Even veteran China reporters with established sources, such as Willy Wo-Lap Lam, find themselves on the receiving end of Beijing’s perception management. For example,

one anonymous source told Mr. Lam "the leadership's line is it should insist that all responsibilities lie with the American side—and that Beijing should use this incident to press Washington to stop sending spy planes near Chinese territory...However, the leadership has also decided this accident should not affect the long-term development of bilateral ties."[491] Not only was there a perfect reiteration of China's propaganda position, but also a statement that placed US intentions for the US-China relationship in question.

The self-perceived and valued objectivity of Western media often leads to the un-analytic juxtaposition of statements from both sides of an issue irrespective of the factual standing of those statements. This presentation suggests each side's position is of equal merit and leaves it to the reader to decide as though the media outlet did not take a position. When one side is demonstrably wrong and not presented as such, the result is what some commentators have called "false equivalency."[492] Despite the disingenuous interpretation of international law presented in each case, this author could find only one Western news article during these crises that included a legal analysis of Beijing's interpretation of UNCLOS and China's rights in the EEZ.[493] This helps explain the finding that over time Western media's coverage gradually shifted to reflect the Chinese line, because the absence of other information and the need for objectivity placed official Chinese statements on par with US positions.

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[491] "Sources: Chinese Board US Spy Plane, Remove Equipment, *CNN.com*, April 3, 2001.

[492] For a thorough analysis of this phenomenon, see, James Fallows, "Why Americans Hate the Media," *The Atlantic*, February 1996.

[493] In the online article, "China May Be Asserting Rights It Doesn't Have," *CNN.com*, April 3, 2001, CNN interviewed Georgetown Law Professor James Feinerman about the legal merits of Chinese claims regarding sovereignty and the right to examine the US EP-3 that had entered Chinese territory for an emergency landing.

The Crisis as Testing Point

Although there is no doubt the "Three Warfares" have a tactical use inside a crisis to manipulate international and domestic Chinese narratives, the long-term, strategic nature of propagandistic measures suggests US observers should see crises as testing points for the "Three Warfares." If the goal is to "win without fighting," then Beijing probably instigates crises to test the efficacy of Chinese propaganda and legal redefinition. The metrics of propaganda are, by definition, fuzzy and the only way for Chinese leaders to learn their effectiveness is to see international reactions to Beijing's provocations. In the three crises examined here, the issues at stake relate to the boundaries and meaning of sovereignty, where Beijing and Washington have expressed mutually incompatible positions.

The Chinese goal in these incidents is to reshape internationally-understood norms and legal agreements about the maritime territory within its sphere of influence—Beijing's behavior suggests *its own behavior* in foreign EEZs should be governed by those laws. As one US Navy judge advocate wrote: "the PRC's position is also somewhat disingenuous, as PRC naval units routinely conduct submarine operations, military survey operations, and surveillance/intelligence-collection operations in foreign EEZs throughout the Asia-Pacific region."[494]

Countering Chinese Information Operations

[494] Raul Pedrozo, "Close Encounters at Sea: The USNS Impeccable Incident," Naval War College Review (Vol. 62, No. 3, Summer 2009), p. 102

The issues of sovereignty and free passage are not issues for compromise. Both the United States and China adopt principled positions that advance specific national security and foreign policy objectives. Beijing's denial of customary and treaty-based understanding of sovereignty is China's challenge to the international system. There may not be an alternative order that China is proposing or a group of Chinese allies prepared to sign on to a vision coming from Beijing; however, this does not make China's position any less dangerous to the international order that it is the US policy to support.

- *Countering China's "Legal Warfare"*: US policy positions are relatively clear and consistent about the meaning of sovereignty in EEZs; however, they are inherently subjective and vulnerable to portrayal as false equivalency. China's legal arguments are the core of Beijing's standing and the "reasonableness" of its position, making them the first target for countering. When engaging with the media on these issues or in a crisis, US officials should frame answers that should lead journalists toward expert, impartial legal judgment about the issues stake. This brings a third party into the discussion and prevents a misleading juxtaposition in the public dialogue that may bend toward China's position as a crisis is drawn out.
- *Preparing for Crisis*: In each case, Chinese pressure created the conditions where an incident might occur that could escalate publicly. US officials were aware of aggressive Chinese intercepts of reconnaissance missions and *demarched* Beijing. As a crisis unfolds, Washington should consider pairing diplomatic protests with media outreach to promote a discussion of

sovereignty to establish the principles of the US position, gaining a media foothold ahead of a crisis.

- *Drawing Out the PLAN*: Conventional wisdom holds that Beijing's use of non-military ships ("white hulls") is better than the escalatory militarization of the disputes using PLAN vessels ("grey hulls"). By not militarizing the dispute, the logic goes, Beijing exercises restraint.[495] However, China's use of law enforcement ships reinforces the notion that this is a domestic matter —something China will be able to exploit. Drawing out the Chinese navy, almost by definition, forces Beijing into the international arena, where it will be more vulnerable to pressure on international treaty commitments.

- *Ratifying UNCLOS*: One of the benefits of the United States ratifying UNCLOS—without reference to the treaty's other merits or flaws—would be the formalization of US behavior consistent with the customary practices embedded UNCLOS. Beijing paints the Chinese position as consistent with international law, because it has ratified the treaty, and the US non-ratification as a sign of bad faith as well as the US intention to be above the international system it claims to support. As a substitute, Washington can place its actions explicitly within more than two centuries of customary international practice.

Ten-Year Outlook

[495] Lyle Goldstein, "Non-Military Escalation: China Cultivates New Heft in Civil Maritime Forces," *Jamestown Foundation China Brief*, Vol. 12, Issue 23, November 30, 2012.

Several factors suggest China's positioning on its maritime periphery will get stronger over time. First, the PLA Navy and maritime law enforcement fleets will continue to grow, forcing more regular and possibly more significant escorts for US collection missions. Second, with these growing capabilities, Beijing will be able to assert control over larger areas further afield in an administrative or law enforcement capacity. For now, China can only do so in select areas against individual countries, such as Scarborough Shoal and the Philippines. The ongoing crisis with Japan since the summer of 2012, however, has shown the limits of Chinese capabilities. Although Beijing could dispute Japan's administrative control over the islands, it could not force the Japanese Coast Guard out without resorting to military force. As Japan continues to under-invest in its defense and the Southeast Asian states are outpaced by China's shipbuilding program, the capability gaps between China and its neighbors will continue to grow.

The third area where China's capabilities are likely to strengthen is in international propaganda. For several years, strengthening China's image and soft power internationally has been a priority, leading to the establishment of the Ministry of National Defense Information Office and a substantial expansion of Xinhua and China Central Television overseas. Beijing's continuing anxieties on this subject suggest Chinese authorities will focus on refining its messaging strategy and capabilities for international audiences.[496] Assuming China persists with the strategy of cutting off outward channels during a crisis; this outreach effort bolsters

[496] For a sampling of these anxieties, see David Bandurski, "China's 'Third Affliction'," *International Herald Tribune*, November 7, 2011; Hua Jian, "Culture Will Be Powered Up," *China Daily*, November 3, 2011; Ye Xiaowen, "China Needs Cultural Power," *People's Daily* [Overseas Edition], October 18, 2011. In October 2011, then-General Secretary Hu Jintao would give a speech calling for China to improve its international cultural soft power—a challenge, according to Hu, that was necessary to safeguard the regime. Western analysts described this speech as calling for a war footing to meet the challenge posed by international influences. The speech was published in leading party journal *Qiushi* (Seeking Truth) on January 1, 2012.

Beijing's public diplomacy efforts and makes the government's perspective more accessible to foreign, non-Chinese-speaking newspaper editors and foreign policy staffers without the filtering process of China experts. The more time Chinese propagandists spend abroad, the more skillful at targeting international public opinion they are likely to become.

Short of a collapse of the Chinese regime or a change in China's domestic media environment that allows deeper penetration of the government by foreign journalists, these trends indicate the United States will face a more significant challenge to collecting intelligence and running freedom of navigation exercises on China's maritime periphery. Although there is no reason to foresee any specific Chinese policy change, Beijing's ability to execute the strategies outlined above will strengthen steadily. China's position on these sovereignty issues is long-standing; however, its capability to do enforce its position has lagged behind. The gap between Chinese aspirations and capabilities is closing and will continue to narrow.

2. OLD – BUT STRONG – WINE IN NEW BOTTLES

CHINA'S "THREE WARFARES"

PROFESSOR JAMES R. HOLMES[497]

Nation-states try to shape their surroundings. With sparse power to coerce, weak nations look for opportunities to dominate their immediate surroundings, making creative use of geographic defenses and such pockets of excellence as they possess. Economy-of-force strategies are the only strategies open to lesser powers, so that is what they employ. With little recourse to coercion, they often attempt to nullify stronger powers' physical advantages through political and moral suasion. They try to bind the strong, appealing to international law and mores to convince them to refrain from exercising physical might in ways inimical to the weak. Strong nations, on the other hand, enjoy greater liberty to modify the world around them to advance their power and purposes. Physical power lets them wield economic and military weapons, adding a coercive element to their repertoire.

[497] James Holmes is an associate professor of strategy at the US Naval War College. The views voiced here are his alone.

Think about US history. During the United States' first century of existence, diplomats invoked international law to discourage impressment and other objectionable practices on the high seas. They professed certain universal ideals, coaxing foreign governments to exercise self-restraint. For the most part US leaders abjured military control of North America's environs. Washington deployed the instruments of the weak. Once it rose to economic and military prominence, however, the United States ushered Great Britain out of the New World peacefully and, under a muscular reading of the Monroe Doctrine, reordered its strategic surroundings to suit a muscular industrial republic. It saw itself as a benign hegemon presiding over the hemisphere. It largely got its way, and without great-power war.

In short, the United States used whatever tools lay to hand at each stage in its history. China will do no less. China is undergoing the transition from weak to strong and has availed itself of the same panoply of diplomatic, ideological and informational, military, and economic implements as other nations. The mix is coming to encompass coercive power, and accordingly Chinese diplomacy has taken on a forceful tinge in contingencies along the Asian periphery. In 2003 China's Central Military Commission (CMC) added the concept of "three warfares" to the People's Liberation Army's (PLA) docket of political work. The US Defense Department describes the tripartite concept thus:

- **Psychological Warfare** seeks to undermine an enemy's ability to conduct combat operations through operations aimed at deterring, shocking, and demoralizing enemy military personnel and supporting civilian populations.

- **Media Warfare** is aimed at influencing domestic and international public opinion to build support for China's military actions and dissuade an adversary from pursuing actions contrary to China's interests.

- **Legal Warfare** uses international and domestic law to claim the legal high ground or assert Chinese interests. It can be employed to hamstring an adversary's operational freedom and shape the operational space. Legal warfare is also intended to build international support and manage possible political repercussions of China's military actions.[498]

Intriguingly, open sources in China provide few specific details about the concept beyond those in the Pentagon report. Beijing's vagueness—and the sudden emergence of the Three Warfares in official documents—complicates analytical efforts to situate the concept within Chinese strategic traditions. What follows, consequently, is speculative in large measure. Sobriety about the limits to such a venture is in order. Still, it is worth undertaking despite the guesswork quotient. No less an authority than Carl von Clausewitz acknowledges that political and military leaders must "guess" how an enemy's government, people, and armed forces will respond to the traumas of war.[499] Educated guesswork is nothing new in strategy.

The paper unfolds through three phases. First, I employ Western strategic theory to explain how the three warfares supplement other implements of statecraft, helping Beijing attain strategic and political goals in peacetime and wartime. Second, I

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[498] US Department of Defense, *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China, 2011*, US Department of Defense Website, p. 26, <http://www.defense.gov/pubs/pdfs/2011_CMPR_Final.pdf>. Intriguingly, the 2012 edition of the report omits the discussion of three warfares.

[499] Carl von Clausewitz, *On War*, trans. Peter Paret and Michael Howard (Princeton: Princeton University Press, 1976), pp. 572-573.

identify precepts of classical Chinese theory that align with—and probably inform—Beijing's handling of the three warfares. Mao Zedong's synthesis of Eastern and Western martial thought, I suggest, represents a conduit through which warmaking practices dating from antiquity influence strategy in present-day Asia. Third, I close with some thoughts about how Beijing may deploy the three warfares to shape the strategic environment vis-à-vis peers and weaker competitors.

The three warfares is a concept that spans the war/peace divide, operating throughout the continuum of international rivalry. My three central findings are, first, that there are few fixed patterns in Chinese strategy, and that this is deliberate. How Beijing puts principles into practice will vary widely from circumstance to circumstance, confounding efforts at prediction. Second, Chinese strategists seldom tie the three-warfares doctrine explicitly to concepts from strategic theory. No smoking gun has come to light that connects the three warfares unambiguously to strategic theory. But third, the doctrine is entirely congruent with Chinese strategic culture, as well as with the universal logic of strategy.

Discerning guiding principles behind the three warfares, therefore, yields valuable insight into the challenges the United States and its allies will confront in Asia for the foreseeable future. And because shaping efforts flow from the logic of war and diplomacy, Washington can employ them as well—repaying Beijing in kind during encounters in Asia.

A Commonsense Concept?

The phrase *three warfares* entered China's lexicon in December 2003, when it was codified in the latest edition of *Regulations of the PLA on Political Work*.[500] It first caught public attention in 2004 in the Taiwanese press, in connection with Taipei's fruitless quest for UN membership.[501] Commentators on the island also interpreted China's 2005 "Anti-Secession Law" as a legal measure to deter Taiwan from formally declaring independence.[502] Taipei's 2006 National Security Report depicted "China's bloodless 'three warfares'" as Beijing's way of undercutting "the stable operation of Taiwan's politics, economy, and society."[503]

The three warfares, continue the framers of the National Security Report, comprise a way for Beijing to amplify "the pressure on Taiwan's military and people, confuse the people about who the enemy is, and shake the people's will to resist the enemy."[504] As one Taiwanese colonel puts it succinctly:

> The "three warfares" are generally defined as "a nonmilitary confrontation using all available resources and centering around a military objective to attack the enemy on the political, ideological, spiritual, psychological and

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[500] Government of China, "Appendix VII Major Military Regulations Promulgated since 2003," <http://www.china.org.cn/e-white/20041227/AppendixVII.htm>.

[501] "Taiwan: Editorial Highlights 18 Aug 04," Open Source Center (OSC)-CPP20040818000079. China's other neighbors have caught on as well. See for example "Japan: Full Text of 'Defense of Japan 2011,'" OSC-JPP20110803134004.

[502] "Taiwan MAC 25 Dec 04 Press Conference Statement," January 14, 2005, OSC-CPP20050114000161; Liu Ching-Hsiang, "SWOT Analysis of Our Countermeasures Against China's 'Three Warfares' Strategy," *Hou-pei Pan-nien-k Online*, April 1, 2008, OSC-20091007312005; Dean Cheng, "Testimony before the US-China Economic and Security Review Commission: China's Active Defense Strategy and Its Regional Impact," January 27, 2011.

[503] "Taiwan: President's Office Website Posts English Text of National Security Report," May 20, 2006, OSC-CPP20060720035001.

[504] "Taiwan: President's Office Website Posts English Text of National Security Report," May 20, 2006.

> legal fronts. They go on before, amid and after military operations to achieve the objective of "a big win with little effort" and even "winning without a fight."[505]

This was a broad-based campaign. The PLA acted on the new guidance swiftly, notes one analyst, establishing

> comprehensive research and training centers in order to integrate "media warfare," "psychological warfare," and "legal warfare" into an integrated entity while making significant efforts to enhance its research and training on "the three warfare operations."[506]

Three-warfares campaigns operate on multiple planes, from the tactical to the strategic to the political. They also target numerous audiences. The concept provides a method for disheartening adversary governments, peoples, and military services. It can embolden the Chinese government, populace, and military. It strives to dissuade third parties from succoring China's enemies, and perhaps reversing the balance of forces.[507] In short, the three-warfares concept goes well beyond the purely military-specific efforts the term *warfares* connotes. Taipei reports that "all agencies involved in diplomacy, public relations, and Taiwan

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[505] Wu Chien-min, "Impact of PRC's 'Three Warfares' on Military Threats in Taiwan Strait," *K'ung-chun Chun-kuan Shuang-yueh-k'an Online*, June 1, 2007, OSC-CPP20090204312002.

[506] Liu Wan-lin, "Investigation into Impact of PRC Military's Media Warfare on ROC Military," *Hai-chun Hsueh-shu Yueh-k'an*, April 22, 2008, OSC-CPP20080602312005.

[507] Wang Lin and Wang Guibin, "An Analysis of Public Opinion Warfare and Psychological Warfare," *Jiefangjun Bao*, June 8, 2004, OSC-CPP20071107325001; Liu, "Investigation into Impact of PRC Military's Media Warfare on ROC Military." For more on PLA political work see Peng Guangqian and Yao Youzhi, eds., *The Science of Military Strategy* (Beijing: Military Science Publishing House 2005), pp. 362-376.

affairs were gradually incorporated" into it, either as "participants or facilitators."[508]

The concept of the three warfares seemingly burst into existence fully conceived. There are several possible explanations for this. Some observers describe the concept as a brainchild of former Chinese president and CMC chairman Jiang Zemin.[509] If so, the concept was imposed in top-down fashion, without the raucous debate Chinese strategists customarily wage in open sources. The downside to the relatively abrupt announcement of a new strategic concept is that it works against efforts to trace words and deeds to sources of strategic thought.

If policymakers, executors of policy, and pundits say little about whence they derived the ideas behind the three warfares, that is, it is tough for outsiders to evaluate these ideas or project the sorts of undertakings to which they might give rise. The uncharacteristic dearth of commentary complicates efforts to situate the three warfares within specific Chinese strategic traditions. To state that this or that concept *fits with* venerable ideas about, say, deception in warfare is all well and good. But tracing effect to cause—tracing thought and actions to ideas derived from sources of intellectual inspiration—is acutely difficult if protagonists to internal debates refrain from citing particular thinkers or particular passages from classic works of strategy or philosophy.

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[508] "Taiwan: President's Office Website Posts English Text of National Security Report," May 20, 2006, OSC-CPP20060720035001. Chinese sources bear out this assessment. See for instance "Nanjing MR Division Integrates Wartime Political Work with Combat Operations," *Renmin Qianxian*, November 18, 2009, OSC-CPP20100311090007; "Qiushi: PLA Navy Political Commissar Urges Stepping Up Military Ideological Work," *Qiushi*, June 1, 2009, OSC-CPP20090602710003.

[509] See for example Liu, "Investigation into Impact of PRC Military's Media Warfare on ROC Military."

Strategist Ralph Sawyer testifies to the analytical difficulties that sometimes confront students of nonmilitary statecraft in Asia. Sawyer relates how modern China has pursued a "military science with unique Chinese characteristics," while at the same time marveling at doctrinal sources' neglect of "unorthodox" (or "extraordinary," the term used in this paper) methods, his subject of choice. To evaluate Chinese martial thought on such topics, concludes Sawyer, observers must rely on "vestiges, indications, and projections from the core role that the unorthodox has played in traditional military doctrine...."[510]

Quite so. It is entirely conceivable that pursuing diplomatic and military aims through a nonmilitary medium such as law or the press is simply part of the grammar of Chinese statecraft. It comports with traditional practice. It is uncontroversial. It requires little debate before it debuts, and little explanation to render it intelligible to target audiences. And indeed, the three warfares certainly *conforms to* Chinese strategic traditions, as I hope to prove in this paper. Demonstrating cultural congruency, rather than cause and effect, is sometimes the best result attainable when studying strategic culture. That seems to be the case here.

A Western Window on an Eastern Concept

While the three warfares may prove hard to counteract, there is little mystery to how legal, psychological, and media combat works. Western analysts, for instance, make much of China's fealty to Sun Tzu's precept that sovereigns and generals should arrange diplomatic and military matters to let them win without fighting.

[510] Ralph D. Sawyer, *The Tao of Deception* (New York: Basic Books, 2007), pp. 328-331.

And indeed China's military classics, from Sun Tzu's *The Art of War* to Mao Zedong's military writings, repeatedly stress the idea that the leader who prevails without actual resort to arms, and thereby conserves precious resources, has scaled the heights of statecraft.

It is a mistake, however, to overstate the Eastern character of such thinking or to depict it as something arcane or inaccessible to outsiders. It is also a mistake to think Chinese strategists discount Western theory as an analytical instrument and a guide to making and executing strategy. Indeed, merging the best of Chinese and Western thought for the service of a weak China constitutes the essence of contemporary Chinese strategy.

Consider some Eastern-sounding concepts from Western political science. Contemporary economist Thomas Schelling depicts strategy as concerned less with "the efficient *application* of force" than with "the *exploitation of potential force*." Deterrence is about "the skillful *nonuse* of military forces" (his emphasis). The same might be said of coercive diplomacy, diplomacy designed to compel an opponent to take some positive action rather than desist from some unwanted action. These arts demand "something broader than military skills."[511] Strategic virtuosity molds an adversary's incentives and calculations so that he acquiesces in one's demands without bloodshed. One imagines Sun Tzu and Mao would heartily agree.

Prussian theorist Carl von Clausewitz is another Western thinker who would instantly comprehend this way of martial thought. That he would do so is abundantly clear from a close reading of his classic treatise *On War*. Clausewitz

[511] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1960), pp. 5, 9.

cautions that political intercourse between the belligerents does not cease when the shooting starts. War, he maintains,

> is simply a continuation of political intercourse, with the addition of other means. We deliberately use the phrase "with the addition of other means" because we also want to make it clear that war in itself does not suspend political intercourse or change it into something entirely different.[512]

War's "grammar," then, "may be its own, but not its logic."[513] Violent interaction comprises its unique grammar. But war is simply another implement of statecraft, so policy determines how it is deployed and the purposes it serves. Accordingly, Clausewitz beseeches statesmen and top commanders to apply rigorous cost/benefit logic to warlike enterprises. While war engages chance, dark passions, and other factors that defy rationality, the Prussian thinker flatly declares that statesmen must impose rationality on competitive enterprises as best they may. The key passage:

> Since war is not an act of senseless passion but is controlled by its political object, the value of this object must determine the sacrifices to be made for it in *magnitude* and also in *duration* [his emphasis]. Once the expenditure of effort exceeds the value of the political object, the object must be renounced and peace must follow.[514]

The value of the political stakes, in other words, must govern how many lives, how many assets, and how much treasure a belligerent puts into an effort, and for how

[512] Clausewitz, *On War*, p. 605.
[513] Clausewitz, *On War*, p. 605.
[514] Clausewitz, *On War*, p. 92.

long. If the effort starts costing more than the political goals are worth, the leadership should cut its losses—striking the best deal it can to exit the war. Clausewitz observes, moreover, that there are three basic ways to prevail in international competition and war:

> Many treaties have been concluded before one of the antagonists could be called powerless—even before the balance of power had been seriously altered....Inability to carry on the struggle can, in practice, be replaced by two other grounds for making peace: the first is the improbability of victory; the second is its unacceptable cost.[515]

One side, that is, can defeat the other side outright, rendering the enemy incapable of resisting its demands. It can vanquish enemy forces, seize enemy territory, or unseat the enemy regime. Such drastic measures constitute the straightforward route to victory. Alternatively, it can convince the other side victory is improbable or that it can win only at unbearable cost. An outright military triumph may not be necessary. Indeed, no trial of arms need take place at all.

Now apply this Clausewitzian wisdom to Chinese strategy. The variables in Clausewitz's value-of-the-object equation are at least partly perceptual in nature, and thus their value is subjective. To borrow from Thucydides, fear and honor—not just straightforward, quantifiable interests—color how belligerents approximate the value of the object, the likely magnitude and duration of martial endeavors, and the likelihood and costs of success.[516] And because such calculations are subjective, one antagonist can deliberately manipulate the value

[515] Clausewitz, *On War*, p. 91.
[516] Robert B. Strassler, ed., *The Landmark Thucydides*, intro. Victor Davis Hanson (New York: Free Press, 1996), p. 43.

another assigns these variables. It can bias its enemy's decision calculus toward submitting without a decision of arms.

Suppose, for instance, one contestant manages to deflate the importance the other assigns its political aims. How can that opponent keep Clausewitz's value-of-the-object function in balance? Cost/benefit logic would incline its leadership to invest a lot in the endeavor for a brief interval, keeping the expenditure of lives and resources in line with the modest stakes; to invest a little for a long time, again keeping expenditures in check; or to muddle through, allocating middling resources for a middling amount of time. So-so political stakes prod decision-makers toward half-measures.

Persuading adversary leaders that the costs of modest objectives will exceed the costs they are willing to bear, or that the effort may drag on forever with no definite conclusion, primes these leaders to look for the exit or forego the venture altogether. "When the motives and tensions of war are slight," advises Clausewitz, "we can imagine that the faintest prospect of defeat might be enough to cause one side to yield." And if one combatant imagines the other will yield easily, "it will obviously concentrate on bringing about *this probability* rather than take the long way around and totally defeat the enemy"[517] (his emphasis). Treading the path of least resistance conserves resources, damps enmities, and otherwise pays off for the victor in a host of ways.

In short, driving down an enemy's expected value of the object, driving up its appraisal of the expense necessary to obtain that object, or prolonging the effort indefinitely skews that enemy's cost/benefit calculus toward Clausewitz's corollary

[517] Clausewitz, *On War*, p. 91.

—namely that it should renounce its political object and peace should follow. Or, during peacetime strategic competition, the adversary's effort may hollow out over time as its government, military, and people come to question their prospects of success or doubt whether the political gains justify the costs and hazards. If they falter, the other side wins a bloodless victory. In short, power politics involves head games.

The implications for the three-warfares doctrine are plain. Beijing could integrate legal, psychological, and media initiatives with other instruments of statecraft, manipulating the value rivals like the United States, Japan, or the Southeast Asian states attach to their political objectives, the magnitude of the effort these rivals estimate it will take to secure those objectives from a seemingly remorseless China, or the likely duration of that effort. Clausewitz's austere logic of war could let Beijing prevail by default.

Foundation for Strategic Thought

These Clausewitzian algorithms for warmaking dovetail with time-honored Chinese practices revealed in the great military classics. The authoritative manual *Science of Military Strategy* deems writings from dynastic China "the cornerstone for development of contemporary China's strategic theories." The manual's authors term the Spring and Autumn and Warring States ages the "period of basic establishment" of China's strategic traditions. That was a hardscrabble world where kingdoms devoured their neighbors only to be devoured themselves. It set the pattern for everything that followed. The editors pay homage to Sun Tzu's *The*

Art of War, a work compiled during those turbulent times. For them it is "a military classic claimed to be the first formation of strategic thought."[518]

Sun Tzu's work, they say, "marked the basic establishment of ancient China's strategic theory."[519] The classic works that followed largely refined his precepts while exploring techniques for putting them into effect. *Science of Military Strategy*, then, offers ample testament to *The Art of War*'s enduring influence on martial thought in China. Concepts from this masterwork could well mold Beijing's conduct of diplomatic and military initiatives pursuant to the three warfares.

The Maoist Synthesis

Mao Zedong's military writings represent one medium through which concepts from the classics of strategic theory pass into modern Chinese martial thought. He was ecumenical, borrowing liberally not just from the Chinese military classics but from romances like *The Three Kingdoms*, from Marxist-Leninist precepts, and even from Western thinkers like Carl von Clausewitz. (*Science of Military Strategy* follows suit, quoting repeatedly from such sources.) Mao's genius was to fuse concepts from these sources into usable guidance for a non-state actor—the Chinese Communist Party—that was trying to build a state within a weak, backward China. His counsel later helped a developing Communist China think through the dilemmas it encountered when facing stronger opponents like the United States and the Soviet Union.

[518] Peng and Yao, *Science of Military Strategy*, pp. 87-88.
[519] Peng and Yao, *Science of Military Strategy*, p. 88.

That Mao did so is perhaps unsurprising. He could tap what the late Michael Handel calls a "universal logic of strategic theory" that transcends time, place, and culture. Handel maintains, for instance, that one need not read Clausewitz's *On War* to think in Clausewitzian ways. Most of the Prussian thinker's ideas "can be arrived at independently through the application of logic and common sense."[520] The classical strategic theorists wrote for different audiences and circumstances. Still, contemporary strategists can press their ideas into service—as the framers of the three-warfares doctrine have.

Control the Nature of the War

What are the core ideas? Sun Tzu urges readers—chiefly generals and sovereigns—to control what Clausewitz calls "the nature of the war." Winning without fighting, or without protracted high-intensity combat, is a tricky feat. For China it means keeping clashes with fellow Asian powers limited in aims while deploying partial means to fulfill these aims. Stepwise strategy is a common method. Modest initiatives undertaken in sequence can yield major gains in aggregate. Chinese diplomats and pundits display a penchant for bombast, but they seem to grasp this. Beijing has carefully avoided provoking armed conflict, whether with the Philippines or Vietnam in the South China Sea or with Japan in the East China Sea. Incremental gains suit its policy, much as the nineteenth-century United States only gradually made itself master of the New World.

[520] Michael I. Handel, *Masters of War*, 3d ed. (London: Frank Cass, 2001), pp. xxiv, 3-11, 48, 124-125, 435.

Staying below the provocation threshold helps depress the value of the object for the United States—discouraging Washington from joining its allies in combined countermeasures of significant magnitude or duration. It also lets Beijing preserve the semblance of responsible great power, as codified in its mantra that China covets only a "peaceful rise" or "peaceful development." Calibrating confrontations while refraining from appearing to pose a mortal threat discourages China's Asian neighbors from making common cause against it.

On the operational level, the wise commander must "create situations" that favor successful execution of battlefield plans. "By 'situations,'" adds the author, "I mean that they should act expediently in accordance with what is advantageous and so control the balance" vis-à-vis rival armies.[521] Through deft strategy, the general and sovereign place themselves in a no-lose situation and the enemy in a no-win situation. Those "skilled at making the enemy move do so by creating a situation to which he must conform."[522] Those who control the nature of the war deploy deceptive stratagems and unorthodox methods—compelling the enemy to adapt amid unpredictable circumstances. By dictating the nature of the war, they conquer "an enemy already defeated."[523]

Shaping Is Continual, Not Episodic

How can leaders arrange matters thus? Sun Tzu establishes a hierarchy of strategic preferences, urging practitioners of power politics to strike first at an enemy's strategy, then his alliances, then his army, and finally his cities. Several things are

[521] Sun Tzu, *The Art of War*, ed., intro. Samuel B. Griffith (London: Oxford University Press, 1963), p. 62.
[522] Sun Tzu, *Art of War*, p. 93.
[523] Sun Tzu, *Art of War*, p. 87.

noteworthy about this pecking order. First, he prefers methods available for both peacetime and wartime competition rather than combat use alone. One can enervate a competitor's strategy and alliances without drawing a sword or firing a shot. Second, his strategic preferences encompass measures taken at the political and grand-strategic levels, not just on the battleground. And third, shaping measures span the continuum of competition and conflict. They predate the onset of war, persist throughout hostilities, and continue afterward. His strategic vision is expansive indeed.

For China, then, there is no surcease from power politics. Sun Tzu's mandate to win without combat acknowledges no sharp break between war and peace. The classical theorist's words presage Mao's dictum—a dictum the Chinese Communist Party chairman explicitly derives from Clausewitz, and which *Science of Military Strategy* quotes approvingly—that "politics is war without bloodshed while war is politics with bloodshed."[524] Mao's all-consuming vision connotes perpetual struggle for strategic advantage—something deeper, longer-lasting, and more profound than the antiseptic word *shaping* conveys. The three-warfares doctrine is about more than the battlefield.

Defeat His Strategy

There is a curious aspect to Sun Tzu's discourse on offensive strategy. Defeating an enemy's strategy sits atop his strategic hierarchy, but how he envisions doing so varies by the translator of *On War*. The standard Samuel B. Griffith translation used here exhorts readers to "attack" the enemy's strategy. Griffith's rendering

[524] Mao Zedong, *On Protracted War*, May 1938, in *Selected Works of Mao Tse-tung* (Peking: Foreign Languages Press, 1965), vol. 2, pp. 152-53; Peng and Yao, *Science of Military Strategy*, pp. 26-27.

seemingly denotes offensive methods. But the older Lionel Giles translation offers an intriguing variation on this theme, namely that the "highest form of generalship is to *balk* the enemy's plans"[525] (my emphasis).

To balk, or frustrate, an enemy's plans implies employing defensive methods to deny the enemy his operational and strategic aims. Is Sun Tzu countenancing what Clausewitz and his maritime acolyte Sir Julian Corbett call wars of negative aim—enterprises designed to prevent an enemy from doing or taking something—and indeed making them central to offensive strategy?[526] Perhaps. This apparent ambiguity opens up intellectual space for Mao Zedong, who counseled the Red Army to overcome stronger enemies over time. Commanders adept at "active defense" prosecuted the strategic defensive temporarily. They played for time, waging tactical offensives while marshaling superior resources to tip the balance in China's favor. Mao's ultimate goal was to unleash a decisive strategic counteroffensive.[527]

The three warfares are ideal for helping defeat or balk enemies' strategies, advancing strategically defensive goals in peacetime. For example, the United States depends on unfettered use of the maritime commons to anchor its strategic position in Asia. China knows that. It wants to set the terms for US access, ruling certain longstanding practices—military exercises, surveillance flights, and so forth—out of bounds within China's exclusive economic zone and the airspace overhead. Repeatedly protesting endeavors sanctified by international law and custom helps Beijing tire out opponents, regardless of whether its objections hold

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[525] Sun Tzu, *The Art of War*, trans. Lionel Giles (1910), Gutenberg Project, <http://www.gutenberg.org/files/132/132.txt>.
[526] Clausewitz, *On War*, p. 93.
[527] Mao Zedong, "Strategy in China's Revolutionary War," in *Selected Works of Mao Tse-Tung*, vol. 1 (Beijing: Foreign Languages Press, 1966), pp. 207-208, 224.

merit. Its interlocutors may conclude that standing up for principle is not worth the trouble and exasperation. Each time they relent overtly—or quietly drop the subject and stop opposing Chinese claims—Beijing will have achieved an incremental victory.

Such measures also come to the fore during the closing phases of war, when Beijing wants to bias the postwar settlement to its advantage. As Rear Admiral Turner Joy observed during Communist China's founding era, selectively appealing to international law, portraying China as the victor and the adversary as heartless or feckless, and saying the same thing over and over again until an exasperated adversary throws up his hands are among the staples of Chinese Communist statecraft.[528] This is psychological warfare carried on through legal and media channels alongside diplomacy and military action. In short, Beijing practiced the three warfares long before it invented the term. Such methods may not deliver positive results in themselves, but they can help frustrate an enemy's strategy—bearing China slowly but steadily toward its vision of a Sinocentric order.

Prevent, or Break, His Alliances

Sun Tzu's victorious state prevails by keeping antagonists from amassing superior political clout and combat power. It thus ensures it is the stronger party to dealings with any one rival. Indeed, the sage defines China's place in the Asian order both by political non-entanglement and by its steadfast determination to forestall or

[528] Joy oversaw the UN delegation that negotiated an armistice terminating the Korean War. C. Turner Joy, *How Communists Negotiate* (New York: Macmillan, 1955), esp. pp. 4-54.

demolish hostile alignments. Modern China comports itself much like his "Hegemonic King." One of Sun Tzu's commentators describes the Hegemonic King as "one who does not ally with the feudal lords. He breaks up the alliances of All-under-Heaven and snatches the position of authority."[529]

The would-be hegemon remains aloof from coalitions and alliances while deploying artful strategy to divide adversaries. Intimidating adversaries while keeping them from combining their strength helps leaders attain what Sun Tzu pronounces "the acme of skill"—winning without fighting.[530] While he warns leaders to shun protracted warfare, insisting that no state has ever benefited from prolonged combat, he says nothing about avoiding protracted peacetime competition if it garners the desired aims without bloodshed.[531] His silence is telling. One imagines he would approve of shaping the strategic environment nonviolently, even if it demands long, painstaking diplomatic labor. Such efforts conserve risk and danger, even though they postpone the fulfillment of the ruler's goals.

But China cannot always win without fighting. No ruler invariably reaches the pinnacle of statecraft. When the ruler resolves to make war on an enemy state, says Sun Tzu, he "makes it impossible for the enemy to concentrate. He overawes the enemy and prevents his allies from joining him."[532] Such measures simplify and ease the process of vanquishing enemies. While Sun Tzu accepts the likelihood of armed conflict, then, he urges sovereigns to undertake combat sparingly. Theorist Wu Tzu, whose writings are appended to *The Art of War*, adds that winning

[529] Sun Tzu, *Art of War*, pp. 138-139.
[530] Sun Tzu, *Art of War*, p. 77.
[531] Sun Tzu, *Art of War*, p. 73.
[532] Sun Tzu, *Art of War*, pp. 138-139.

victories is easy whereas preserving the fruits of victory is hard. The sovereign who wins a single decisive victory makes himself emperor; “one who gains five victories suffers calamity.” Too-frequent resort to force exhausts the state, leaving it prey to predatory neighbors—even in its hour of triumph.[533] An economy of military victory suits not just the state’s policy, but its longevity.

Does China view itself as a Hegemonic King? Not in so many words. Chinese diplomats recoil from the term *hegemony*, which smacks of imperialism and could send China’s neighbors scurrying for American support. But like Sun Tzu’s metaphorical figure, contemporary Beijing shuns alliances, maintaining only an uneasy arrangement with North Korea. It openly tries to forestall opposing alliances and coalitions. In the South China Sea, for instance, it insists on negotiating territorial disputes with individual governments rather than through ASEAN, the Law of the Sea Tribunal, or some other multinational forum.

As a tactical measure, keeping competitors from combining lets Beijing treat with them on a lopsidedly unequal basis. A power mismatch bolsters the leadership’s chances of overawing outmatched neighbors, offering them economic inducements they find hard to refuse, and ultimately winning without a test of arms. This approach would be familiar to Sun Tzu and Mao.

Beijing commonly deploys techniques that would gladden Clausewitz’s heart in its bid to degrade or break alignments it deems inimical. It exploits alliance dynamics. The closest of allies see the world through different eyes, assigning different weight to different interests and goals. In Clausewitzian terms, each ally regards some goals as worth considerable effort. Some are worth less. Others are matters of

[533] Sun Tzu, *Art of War*, pp. 152-153.

indifference. Disagreements over strategy are commonplace given the disparity of worldviews. It takes great interests—in particular overbearing threats—to prompt allies to set aside their differences. The trick for China is to avoid seeming to constitute such a threat. Beijing must exercise a modicum of self-restraint lest it apply an adhesive rather than a solvent to countervailing ententes.

Over time, hope Chinese leaders, deft diplomacy will fragment China's Asian neighbors while excluding powerful outsiders like the United States from Asian politics. If successful, China will emplace itself at the hub of a Sinocentric order where bilateral relations connecting Beijing and fellow Asian capitals constitute the spokes. The latter-day Hegemonic King will have rebuilt the regional order to his advantage—and done so without the violence, embitterment, and unintended consequences of war. Whether he has the forbearance to accomplish this goal remains a matter of conjecture.

Attack His Forces or Cities

Deception and indirection are fundamental to the Chinese way of politics and war. Sun Tzu proclaims that "All warfare is based in deception."[534] This is true in peacetime power politics as well as on the battlefield. Because the author frames his maxims in tactical and operational terms, however, I classify deception among tactical and operational measures designed to help the general overcome enemy forces or fortified cities. Deceptive stratagems help the able commander conceal his battle capacity, pretending incapacity when capable or inactivity when active. They may permit him to appear far away when nearby, or the reverse. They enable

[534] Sun Tzu, *Art of War*, p. 66.

him to prey on the enemy general's character flaws. The savvy commander insults and angers his opposite number. Faking inferiority is another way to encourage overconfidence and prompt unforced errors.[535]

The astute general feigns disorder, then strikes. Sun Tzu observes that only a disciplined, orderly army can simulate disorder effectively, masking the commander's intentions.[536] Apparent formlessness demands rigorous self-control. Deception helps keep adversary states from joining forces. "When he is united," advises Sun Tzu, "divide him."[537] By this he means more than driving wedges into enemy alliances. There is an internal dimension to fragmenting opponents. Implanting doubt and dissent throughout an enemy society while encouraging self-defeating conduct are his goals. The sovereign should, for example,

> entice his [opponent's] wise and virtuous men away so that he has no counselors...send treacherous people to his country to wreck his administration...use cunning deceptions to alienate his ministers from the sovereign...[and] send skilled craftsmen to encourage his people to exhaust their wealth.[538]

Rather than meet enemy hosts in force-on-force battles, then, the deceptive ruler and general enfeeble their adversaries, fanning internal quarrels and troubles that keep the opponent's society from mustering its full combat power. It wastes part of its strength, fielding less than its latent potential. Such is the power of deception. It

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[535] Sun Tzu, *Art of War*, pp. 66-68.
[536] Sun Tzu, *Art of War*, p. 93.
[537] Sun Tzu, *Art of War*, pp. 68-69.
[538] Sun Tzu, *Art of War*, pp. 113-114.

inhibits enemies from fully converting latent into kinetic strength. In effect it shrinks their power of resistance.

Strikingly, Sun Tzu writes of “normal” and “extraordinary” forces. This stands in stark contrast to Clausewitz, the prophet of concentrated force, who frowns on dispersing effort among secondary theaters or operations. Sun Tzu starts with a tangible description of the concept: “The force which confronts the enemy is the normal; that which goes to his flanks the extraordinary.” The twin forces thus operate along different axes. Sun Tzu describes extraordinary forces as the only way to wrest tactical or operational advantage from the foe. But the relationship is far from fixed. He conceives of the relationship between extraordinary and normal forces as a fluid one, shifting back and forth as expediency dictates. Deception again comes into play. “I make the enemy conceive my normal force to be the extraordinary and my extraordinary to be the normal.” But the normal force may “become the extraordinary” in fact as well as in appearance, “and vice versa.”[539]

This supple approach confers numerous advantages. Extraordinary forces keep an enemy off-balance while empowering the general or ruler to keep the adversary “under a strain and wear him down.” He can form crack troops into “extraordinary units,” directing “repeated sorties” against points where the enemy is unprepared, and distracting him from his main vector of effort. The ultimate aim is to “exhaust him by causing him continually to run about.” Sun Tzu depicts harrying the enemy as a substitute for a single, high-stakes battle in which the state risks losing everything.[540] Conserving risk and resources in a winning cause remains his foremost concern.

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[539] Sun Tzu, *Art of War*, pp. 91-92.
[540] Sun Tzu, *Art of War*, pp. 68-69.

Despite the concrete character of Sun Tzu's description of the paired forces and their interactions, the concept of extraordinary forces applies far beyond the battlefield and lends itself to a more metaphorical interpretation. "Now the resources of those skilled in the use of extraordinary forces are as infinite as the heavens and earth," he proclaims lyrically, and "as inexhaustible as the flow of great rivers." And although "there are only the normal and extraordinary forces" in human conflict, "their combinations are limitless; none can comprehend them all."[541] There are no fixed patterns to generalship, or to the wise ruler's diplomacy. Rulers and commanders use all available implements creatively.

How Beijing deploys the three warfares probably depends on whether uneasy peace or hot war prevails. Legal, psychological, and media endeavors could comprise the normal force in peacetime strategic competition, helping Beijing shape the political narrative and legal order in its favor. Limited deployments of force may complement these endeavors, putting substance into diplomacy. High-end military force would remain in reserve, its coercive or deterrent capacity acting as the extraordinary component. Beijing has deployed non-military shipping as the vanguard of its maritime territorial claims in the South and East China seas, for example. By dispatching the "small stick" embodied in law-enforcement ships to Scarborough Shoal or the Senkaku Islands, China portrays itself as simply policing sovereign waters. The "big stick" of Chinese military might remain over the horizon, implicitly menacing those inclined to defy Beijing's claims.[542]

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[541] Sun Tzu, *Art of War*, pp. 91-92.

[542] For a fuller discussion, see James R. Holmes and Toshi Yoshihara, "China's Small-Stick Diplomacy in the South China Sea," *National Interest*, April 23, 2012, <http://nationalinterest.org/commentary/small-stick-diplomacy-the-south-china-sea-6831>.

In wartime, conversely, the three warfares would probably take on a subsidiary, more extraordinary character. Clausewitz's grammar of violent interaction would predominate. Swaying opinion toward China's political objectives, nevertheless, would render it easier for negotiators to get their way at the bargaining table, thereby wringing the best possible terms from the enemy to govern the postwar order. Nimble, deceptive diplomacy bolsters China's prospects of success across the spectrum from peace to war to peace again.

Using Three Warfares Against Peers and Inferiors

Like Sun Tzu's normal and extraordinary forces, there are limitless combinations of three-warfares initiatives. Peacetime efforts allow Beijing to challenge the US-led order in hopes of reshaping that order. It can put great principles—notably freedom of the sea—to the test in small controversies. In effect it can dare the United States and its allies to invest significant resources, indefinitely, in upholding laws and principles on which the liberal order is founded. For example, Beijing can demand that Washington desist from certain activities in its exclusive economic zone—carrier flight operations and military surveillance chief among them. At the same time it can point out that acquiescing in these demands will make little practical difference to US Navy operating patterns. In Clausewitzian parlance, the political object appears trivial.

In effect Beijing can ask Washington whether defending such meager stakes is worth the bother and the long-term costs. It can also ask whether vindicating freedom of navigation warrants placing the overall US-China relationship in jeopardy. US leaders of Clausewitzian leanings may agree that the political object is not worth a long, exhausting effort. But if they concede China's point to resolve

the immediate controversy—or if they just drop the subject—they will have tacitly endorsed the idea that a strong coastal state can unilaterally abridge freedom of navigation. They will have conceded a principle in return for short-term amity. And Beijing will have successfully used salami tactics to modify tenets of the law of the sea that contravene its Sinocentric vision of the maritime periphery. It will have harnessed Clausewitzian cost/benefit logic to its purposes.

If China can try to renegotiate the rules of the Asian system with a peer competitor, it can use overwhelming material superiority to simply exhaust lesser opponents. As one retired Japanese naval commander puts it, China can "shadowbox" with Japan, the Philippines, and other outmatched neighbors.[543] It can deploy military forces, law-enforcement ships, and even civilian assets like fishing craft to wear out Asian navies and coast guards. Beijing is like a stronger, fitter boxer who keeps a weaker opponent moving around the ring, jabbing without intending to strike a knockout blow. The opponent may eventually capitulate, too weary to continue the bout. By deploying its small stick to the Philippine exclusive economic zone or the waters off the Senkakus, Beijing has in effect dared Manila and Tokyo to undo facts it has created on the ground. Coastal states stand to lose if they try to evict Chinese fishing or police vessels from disputed waters or islands, upholding their jurisdiction. If they fail to act, they leave Chinese assets holding the contested real estate—and China exercising de facto jurisdiction.

Small-stick deployments combined with three-warfares preparation of the political battlespace constitute the normal component of China's maritime political offensive vis-à-vis its maritime neighbors. Beijing can demoralize opponents who

[543] Sean Lengell, "Retired Military Officers Call for Curbing China's Power," *Washington Times*, March 19, 2012, <http://www.washingtontimes.com/news/2012/mar/19/retired-military-officers-call-curbing-chinas-powe/>.

rightly look at the correlation of material strength and ask how they can uphold their national prerogatives. It can fire enthusiasm at home by citing China's "indisputable sovereignty" over disputed waters and geographic features. And it can attempt to neutralize American support, realizing that Washington takes no stance on sovereignty over East and South China sea islands or waters. It can ask, *sotto voce*, whether US leaders are prepared to risk a showdown when they have stated they have no interest in the outcome. And Beijing can show Washington it has no good options. How could the US military support the Philippines or Japan in any event? Would commanders station destroyers permanently off Scarborough Shoal or the Senkakus, or combat air patrols in the skies overhead? Doubtful.

In short, China can use the three warfares in concert with growing material capabilities to create situations to which adversaries must react, but to which they cannot react effectively. Sun Tzu would approve. Will this campaign succeed? Perhaps. But nothing here should be construed as exaggerating Chinese diplomatic artistry. China has proved startlingly prone to self-defeating behavior—behavior that could translate into American opportunity. Politics is not a rheostat. Chinese leaders cannot calibrate political stimuli precisely to elicit the desired response from rival powers. Washington should stand ready to reciprocate in kind when Beijing's dexterity fails it.

Looking Ahead Ten Years

Prediction is an uncertain business at the best of times. Nevertheless, it seems safe to forecast that the three warfares will remain an important weapon in China's diplomatic armory for many years to come. For patient practitioners of statecraft, this strategy promises impressive returns on a modest investment of diplomatic

resources, and at low risk. It fits with the confrontational approach Beijing has taken vis-à-vis territorial disputes since around 2009. But the approach will persist even if China's leadership reverts to something approximating its "smile" diplomacy of the early 2000s. After all, the concept had its origins during the charm offensive. Shaping attitudes and advancing one's policy through legal means will remain routine implements of diplomacy—whether Beijing chooses to overawe or conciliate regional competitors.

3.

THE US PACIFIC COMMAND AND DEALING WITH CHINA'S THREE WARFARES

REAR ADMIRAL MIKE MCDEVITT, USN (ret.)

Introduction

Before addressing the topic of the US Pacific Command and China's "Three Warfares, " it will be useful to inform readers about my understanding of the PLA's three "non-violent" efforts that have become integral to its understanding of modern warfare—these are psychological, media and legal warfare.

The construct of the Three Warfares was first introduced in the 2003 *Political Work Regulations*, a document that is unique in that it provides both military administrative regulations as well as internal Party regulations. This is why it was signed out by both the Chinese Communist Party (CCP) and the PLA Central Military Commission. In the PLA, military political work has traditionally been primarily concerned with managing the people in the PLA and with influencing the

civilian environment in which the PLA operates in order to achieve the military and political objectives assigned by the party, in other words it looks inward, whereas in a departure from past practice, the three warfares have more of an international focus.

The specific tasks that make up military political work have evolved over time, and with the introduction of the three warfare construct, the writ of military political work has been expanded to include an operational component. Operational in the sense that it has a wartime objective of:

- Weakening the will of enemy forces.
- Strengthening the morale of Chinese citizens
- Gaining international support for PLA actions.

Why the three warfares were included within *Political Work Regulations* is not clear; perhaps because it includes a focus on the morale of the Chinese people. The more important why question relates to why the three warfares were added to the canon of PLA operational concepts in the first place. The answer is because of successful US military operations. The introduction of the three warfare concept was the result of PLA analyzes of the US military activities in Iraq and Afghanistan between 1991 and 2003. Studying what the PLA initially labeled as “high-tech wars” has been a consistent theme in the PLA’s efforts to internalize and then apply what were deemed as best international practices, to its own military modernization process.

PLA researchers were very impressed with the US use of the US Congress, the United Nations and the NATO Alliance in establishing the “legal legitimacy” for the US use of force, with America’s use of the media to shape public opinion at home and abroad, and by the use of psychological warfare to undermine the morale of Iraqi troops. The conclusion of PLA analysts was that the PLA needed to adopt a

process, which came to be called the three warfares, in order to rectify what the PLA judged was a shortcoming in its approach to 21st century warfare.

The PLA determined that the changing nature of modern warfare required psychological warfare, the strategic use of mass media and the reliance on certain legal measures to make military actions legitimate were all critical components of military operations in war, or in the lead up to war. While the three warfare concept is relatively new, the reality is that for China and the PLA this is, to some degree, "old wine in a new bottle." Students of modern Chinese history recognize that the PLA have engaged in perception management at home and abroad since at least the 1930s.

The CCP has always been sensitive to the court of international opinion and the need to manipulate it. For example, Edgar Snow's *Red Star Over China* (1938), was an international propaganda coup for Mao and the CCP. It was made possible because Mao allowed Snow to have personal access while the CCP was lying low in 1936. Similarly, psychological operations have always been part of the PLA's skill set. The incredible success they had in inducing mass-surrenders, or having entire formations change sides, during the Chinese Civil War against the KMT is a prime example. American's should remember that PLA "psyops" were so effective against US POW's during the Korean War that the US military had to introduce a specific "Code of Conduct" to guide behaviour when captured to avoid being "brain-washed."[544]

With this as a heritage it is no surprise that the PLA came to the conclusion that three warfare activities are increasingly important to wartime success in the 21st century. In turn, because the PLA assumes that wars along China's periphery will be high-tempo short duration affairs, waiting until conflict breaks out before

[544] My thanks to Dr David Finklestein, the leader of CNA's China Studies Division, for these insights from history.

employing three warfare tactics did not make sense. Short duration conflict means that the employment of three warfare tactics must take place during peacetime to help, as the United States would put it, "shape the strategic environment" around China.

In this sense, it appears to me that China's use of the three warfares during peacetime has become part of its MOOTW (Military Operations Other Than War) mission set, and has much in common with what planners at Pacific Command would characterize as "phase zero" operations.[545]

This suggests to me that the best way for PACOM to deal with China's three warfares during peacetime, is to contest them with three warfares of its own. To a degree PACOM, and DOD more broadly, do this through engagement activities, high level meetings, speeches, attendance at major security related conferences, and so on. But what seems to be lacking is a more targeted approach that goes beyond statements that reinforce US policy and intentions, with more direct counters to statements and activities that emanate from China.

For example, every time an official or semi-official statement or comment talks about a US attempt to contain China is made, some authoritative spokesperson should say something like:

"The rebalance *is not all about China*, nor is it an attempt to contain China. In fact, anyone who knows anything about Asia realizes that none of China's neighbors would support a containment strategy."

The PLA was clearly impressed by how the US used three warfares during its Middle East conflicts; there is no reason why American skills in these areas cannot

[545] The introduction was informed by Timothy Walton, " China's Three Warfare's," *Delex Special Report* 3, January 18, 2012, Dr Dean Cheng, " Winning Without Fighting: Chinese Legal Warfare," *Heritage Foundation Backgrounder*, No 2692, May 18, 2012 and Malia Dumont and Maryanne Kivlehan-Wise, The PLA Political Work and the "Three Warfare's": A Preliminary Exploration, CNA Project Asia Paper November 2006.

be harnessed to a peacetime completion with China that seeks to blunt Beijing's efforts.

Specific Questions Responses

How, if at all, should PACOM alter its posture to meet the 3WF challenge? Are there any productive steps that come to mind?

In my judgement media/public opinion and legal warfare's pose the most direct challenge to PACOM during peacetime. PACOM needs to respond in kind.

In a variety of venues China continues to assert that the United States is a power in decline and that the future stability of Asia depends upon China's "New Concept of Security, "[546] rather than the US alliance based system, which China never fails to

[546] The **new security concept** specifically targets the US alliance based system in Asia. It first appeared in "China's National Defense," pp. 6-7. Released by Information Office of the State Council of the People's Republic of China, 27 July 1998. See excerpt below:

1. The relations among nations should be established on the basis of the Five Principles of Peaceful Coexistence:

-Mutual respect for territorial integrity and sovereignty
-Mutual non-aggression
- Non-interference in each other's internal affairs
- Equality and mutual benefit
-Peaceful coexistence

These are the political basis and premise of global and regional security. Each country has the right to choose its own social system, development strategy, and way of life, and no other country should interfere in the internal affairs of any other country in any way or under any pretext, much less resort to military threats or aggression.

2. In the economic field, all countries should strengthen mutually beneficial cooperation, open up to each other, eliminate inequalities and discriminatory policies in economic and trade relations, gradually reduce the development gaps between countries, and seek common prosperity.

Such steps can form the economic basis of global and regional security. Maintaining a normal and sound economic, trade, and financial order calls for not only a perfect macro-economic management system as well as a sound system of economic operations, it also calls for strengthening regional and international economic contacts and cooperation, so as to jointly create a stable and secure external economic environment.

3. All countries should promote mutual understanding and trust through dialogue and cooperation, and seek the settlement of divergences and disputes among nations through peaceful means.

These are the realistic ways to guarantee peace and security. Security is mutual, and security dialogues and cooperation should be aimed at promoting trust, not at creating confrontations, still less at directing the spearhead against a third country or infringing upon the security interests of any other nation.

claim is a relic of the Cold War. This message is currently being amplified by the budgetary dysfunction in Washington, causing US friends and allies in East Asia to question America's staying power.

To counter this PACOM must ensure that its own "media warfare" campaign stays on message. The message that PACOM must communicate is twofold; the first is about reassurance. The Chinese *will not* be able to push the United States out of East Asia. The second message is to point out that America's Alliance system is specifically aimed at preventing aggression; there is nothing "Cold War" about that objective. There is nothing in China's new concept of security that prevents or deters aggression.

The message should also include a forthright statement that the US concept for assuring access, called Air Sea Battle, while highly classified and therefore not available for open discussion, *will be effective* to countering China's A2/AD system, the planned US posture changes associated with the Administrations rebalance strategy—especially the growth of the US Pacific Fleet to 60% of overall Navy strength *will go forward*.

As this is being written there is great uncertainty surrounding the security aspects of the rebalance. Senior PACOM spokesmen must be sensitive to the fact that East Asians are watching very closely, and as a result PACOM must exude a sense of confidence and assurance that the United States will remain a force for stability in East Asia. No hints of uncertainty, even in private. The United States is doing this, not out of a sense of largess, but out of hard headed realistic calculation that it is in America's interest to do so. Stability in Asia is crucial to America's economic recovery because Washington is counting on generating thousands of US jobs

producing goods and services that will be sold in East Asia. (See the Obama speech to the Australian Parliament in November 2011 for the jobs point.)

On the actual military posture side of the equation, in addition to executing the planned changes to with regard to over the overall fleet distribution bias to the Pacific (60% by 2020) and four LCS's to Singapore, much should be made of every newly commissioned ship that joins the Pacific Fleet and USAF capability that is assigned to PACAF. These need to be viewed as opportunities for constant region wide reminders of US capability improvements.

Finally, in a more potentially sensitive vein, the PACOM Commander should be candid about explaining that there is an on-going "capabilities completion" between China and the US. China is introducing capabilities it hopes will be able to deny US military access to the Western Pacific in times of conflict. Because of China's initiatives that extend its defense perimeter hundreds of miles to sea, the US is forced to respond. PACOM is putting in place capabilities that will permit it to provide "assured US access." The US recognizes it must win this competition to remain a credible guarantor of security.

On the legal warfare front PACOM could take a much more outspoken position on Chinese activities that are clearly beyond the writ of the UNCLOS treaty. Just because the US has not ratified the treaty does not mean that it cannot read and interpret law. One of the most confounding aspects of the SCS disputes is the existence of the so-called "nine-dashed" or "U-shaped" line that is drawn on Chinese maps and encompasses about 80 percent of the South China Sea. The line was the creation of the Republic of China (ROC), and first appeared officially on an ROC map in 1947. Subsequently, it has appeared on maps issued by the People's Republic of China (PRC) since 1949. Neither the ROC nor the PRC has ever defined exactly what the line was intended to portray in terms of claims or

sovereignty.[547] It certainly has no legal standing under UNCLOS, but, because it is not specifically demarcated by latitude and longitude, it is not technically "illegal." As portrayed on Chinese charts, however, it clearly infringes on the exclusive economic zones (EEZs) of the other claimants, as well as upon Indonesia's EEZ around Natuna Island and its associated gas fields.

Is the nine-dash line a claim to sovereignty over the entire sea, or an indication of historic interests, or something else? Beijing has so far ignored requests to clarify this line, which is enshrined in Chinese domestic maritime policy. In 2009, China proffered it in submission to the UN Commission on the Limit of the Continental Shelf, but without an explanation of what the line is intended to indicate. In its 2009 submission, China did state:

> China has indisputable sovereignty over the islands in the South China Sea and adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed subsoil thereof (see attached map). The above position is consistently held by the Chinese Government, and is widely known by the international community.[548]

This has led to speculation, some informed, some not, over what it is intended to portray. For example, the Republic of China (Taiwan), the originator of the nine-dashed line, indicates that it was an attempt, many decades before UNCLOS

[547] Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia*, Vol 33, No 3, (December 2011), p. 295.

[548] The attached map did include the nine-dashed line with demarcation. *Note verbale* from PRC Permanent Mission to the UN, to UN Secretary General, 7 May 2009, http://www.un.org/Depts/los/clcs_new/submissions_files/vnm37_09/chn_2009re_vnm.pdf

was created, to portray China's "historic water limit that was under the jurisdiction of the Republic of China."[549]

Unfortunately for the ROC and those experts and others within China who share the "historic waters" interpretation, the Law of the Sea only recognizes historic waters in very limited circumstances, such as bays that have been historically under national jurisdiction of a specific government. A historic water claim does not apply to open ocean. International law has never recognized claims of historic waters that cover such a vast area of the high seas.[550] In fact, one of the objectives in negotiating a Law of the Sea convention in the first place was to eliminate vague constructs such as historic waters and develop a clear methodology for maritime claims.

China's Foreign Ministry actually came close to a clarification of what the nine-dashed line meant. According to Dr. Taylor Fravel, an acknowledged US expert:

> The [Chinese Foreign Ministry] spokesperson...stated that "No country including China has claimed sovereignty over the entire South China Sea." By making such a statement, this phrase suggests that the "nine-dashed line" doesn't represent a claim to maritime rights (such as historic rights), much less a claim to sovereignty over the water space enclose by the line. More likely, the line indicates a claim to the islands, reefs and other features that lie inside.[551]

However, this interpretation is contradicted by other Chinese behavior, such as cutting the cable of a Vietnamese geological survey ship that was in Vietnam's EEZ

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[549] Hong Nong, "Interpreting the U-shape line in the South China Sea," *China US Focus*, May 15, 2012, rehttp://www.chinausfocus.com/print/?id=15964

[550] Conversation and e-mail exchange with maritime law expert, Captain Mark Rosen, USN, JAG Corps, retired.

[551] M.Taylor Fravel, "Clarification of China's Claim?" *The Diplomat*, March 5, 2012, http://thediplomat.com/china-power/clarification-of-china%E2%80%99s-claim/

and not in any conceivable EEZ drawn from any islands in the SCS. This suggests that a final determination of what the line means has not been settled within China, and that the Foreign Ministry statement is not definitive.

This apparent contradiction has led some experts outside of China to speculate that the nine-dashed line is how "China intends to claim the area within the line as an EEZ and continental shelf generated by the disputed Paracel's, Spratlys, and Scarborough Shoal."[552] Since the nine-dashed line severely infringes on the EEZs of the Philippines, Vietnam, and Malaysia this interpretation would effectively usurp huge portions of their EEZs. This would be in violation of the "equidistant" provisions in UNCLOS that essentially splits the difference when EEZs overlap.

Finally some Chinese scholars have suggested that the line means: China claims all the islands and the EEZ and continental shelf generated by those islands; and, that it claims "historic rights" over the waters inside the nine-dashed line not captured by the first two. In this case the claim to "historic rights" would not equate to sovereignty, but rather mean the "right" to a share of the resources inside the nine-dashed line.[553] In my opinion it is the issue of trying to reconcile the idea of "historic rights" within the framework of the UNCLOS treaty has been difficult, and that has been the reason Beijing has been unable to define what the nine-dashed line means.[554]

The relatively arcane topic of the nine-dashed line has major policy implications for two reasons: First, China has been attempting to intimidate resource exploration/exploitation by any of the coastal states in those areas that are inside both the nine-dashed line and the legitimate EEZ of one or another of the coastal

[552] Doung Danh Huy, "China's U-shaped Line in the South China Sea, *Asia Sentinel*, 19 September 2012, http://asiasentinel.com/index.php?option=com_content&task=view&id=4833&Itemid=188.
[553] Ibid, p. 4.
[554] Not for attribution meeting, Brookings Institute October 2012.

states. Not only does this directly challenge the rule-based regime that the United States and its friends and allies want to put in place, it also runs the risk of triggering a conflict. Second, the existence of the nine-dashed line creates an uncertainty which undercuts the willingness of the claimants to make co-production deals with Beijing and undercuts the willingness of oil and gas industries to invest capital in developing SCS hydrocarbon resources.[555] None of the other claimants want to undertake any action that gives credence in any fashion to Chinese territorial claims which are both far from China's continental baselines and outside of any reasonable

What would be the likely effect of <u>not</u> having a second carrier in the Western Pacific going forward?

It has been a long time since two carriers were routinely present in the Western Pacific (WESTPAC), and I am not sure that any ambitions involved with having a second Carrier Strike Group presence in WESTPAC was ever really feasible given; an 11 carrier force structure (currently 10 until the still under construction building *USS Gerald Ford* is finally ready for sea) and the Iran driven requirement for two carriers in Northern Arabian Sea/Persian Gulf region—the Central Command (CENTCOM) AOR.

There may have been a hope by those worried about the PLA military build-up that after the withdrawal from Iraq the requirement for two carriers in the CENTCOM AOR would be eased and, as a result, a second carrier could be available for the Western Pacific. Unfortunately as long as there is a need to deter Iran and to be ready to deal with an Iranian attempt to close the Strait of Hormuz those hopes will not be realized. Although, as this is written, there will only be one carrier off Iran due to a sequester created shortfall in operating funds, the requirement for two

[555] For a complete discussion of the range of tools that China employs to intimidate and discourage economic activity inside the nine-dashed line, see Fravel, “China’s Strategy in the South China Sea,” pp. 299-310.

carriers has not gone away, and in all probability a second carrier will eventually be dispatched.

In the Western Pacific what the US Navy has been doing is making sure at least one operational carrier is always present. They do this by “surge deploying” a carrier from CONUS whenever Yokosuka based *USS George Washington* was unavailable because it was in a planned maintenance period.

Since it is the air wing that makes a carrier valuable, if PACOM believes it needs more airpower more or less permanently in WESTPAC, the obvious answer is to turn to the Air Force, and have them rotationally deploy additional fighters and strikers to Kadena, and then rotate some of them between Japan, the ROK, Singapore and the Philippines.

There are enough surface combatants available in the Pacific Fleet to send the four or five surface warship escorts associated with a notional Carrier Strike Group on independent deployments to WESTPAC.

In sum if the goal is having the rough equivalent combat power of a second CVSG available in the 7th Fleet AOR, compensate for a second carrier by combining USAF tactical aircraft deployments with additional USN surface combatants.

Can Chinese initiatives be expected to remain the same, become more aggressive, or less aggressive?

Chinese behavior associated with maritime disputes took a turn for the worse during 2012. China scholar Bonnie Glaser captured this in her recent statement before the House Foreign Affairs Committee, “Beijing as an Emerging Power in the South China Sea.” She wrote:

> China's behavior in the South China Sea is deliberate and systematic: its actions are not the unintentional result of bureaucratic politics and poor coordination. In fact, the spate of actions by China in recent months suggests exemplary interagency coordination, civil-military control and harmonization of its political, economic and military objectives. The clear pattern of bullying and intimidation of the other claimants is evidence of a top leadership decision to escalate China's coercive diplomacy. This has implications not only for the Philippines and Vietnam, the primary targets of China's coercive efforts, but also has broader regional and global implications.[556]

In her statement, she also pointed out that China's claims, policies, ambitions, behavior, and capabilities are significantly different from those of other claimants:

> Beijing refuses to engage in multilateral discussions on the territorial and maritime disputes in the region, preferring bilateral mechanisms where it can apply leverage over smaller, weaker parties. China rejects a role for the International Court of Justice (ICJ) or the International Tribunal on the Law of the Sea (ITLOS) in resolving the territorial and maritime disputes in the South China Sea. Although Beijing has agreed to eventually enter into negotiations to reach a Code of Conduct for the South China Sea, Chinese officials have recently stated that discussions can only take place "when conditions are ripe."[557]

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[556] Bonnie Glaser, Statement before the House Foreign Affairs Committee, "Beijing as an Emerging Power in the South China Sea," September 12, 2012, http://csis.org/testimony/beijing-emerging-power-south-china-sea.
[557] Ibid

In short, China is offering a choice. States that take actions directly challenging Chinese claims will be faced with demonstrations of Chinese power in all its various guises; if however, states pursue moderate policies or actually acquiesce to Chinese claims, they will reap mutually beneficial economic and political rewards.[558]

I judge that the leadership in Beijing is pleased with how things have turned out since adopting a more aggressive posture in 2012. It has successfully changed the status-quo in its favor in both Scarborough Shoal and the Senkakus (whether Tokyo is willing to admit it or not, Beijing has demonstrated that Japan's sovereignty is NOT indisputable.)

They have highlighted the split in ASEAN between those states that border China, where the PLA can walk or drive to the frontier, and those ASEAN states that have the advantage of water or distance to separate them from China. This split over what position to take on the SCS suggests that the leadership in Beijing could conclude that ASEAN is unlikely to ever become a cohesive anti-China block.

In fact, that perception is reinforced by the actions of almost all of the ASEAN states. Each works carefully to hedge its relationships between Beijing and Washington. In April 2012, for instance, Thailand elevated its bilateral relationship with China to "strategic partnership," and in July it dispatched a senior military delegation to visit China as a minister of defense counterpart. Vietnam, as a central party in the SCS disputes, has been careful to avoid making its relationship with China any worse, and has not let its SCS disputes poison broader Sino-Vietnam relations. It carefully rations US Navy port calls to Cam Rahn Bay and limits those visits to support ships, not combatants.[559]

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[558] This interpretation is based upon Robert Sutter and Chin-hao Hunag, "China Muscles Opponents on South China Sea," *Comparative Connections: A Triannual E-Journal on East Asian Bilateral Relations* 14, no. 2 (September 2012), Pacific Forum CSIS, pp. 62-63. See http://csis.org/program/comparative-connections.

[559] Ibid P.3

Malaysia and Indonesia have also been careful to balance their engagements with Washington and Beijing. Malaysia held its first bilateral "defense and security consultation" with China in September 2012 and agreed to strengthen military exchanges and cooperation. Jakarta, for its part, values its "comprehensive partnership" with Washington, but also emphasizes developing good defense relations with China. In August 2012, an agreement was reached with China that permitted Indonesia to produce China's C-705 anti-ship cruise missile under license.[560]

Singapore plays an important role by agreeing to permit four USN warships to be rotationally stationed in Singapore. This gives the United States easy naval access to the SCS, which implies that the US Seventh Fleet Commander will be able to maintain a more or less permanent US naval presence in the SCS within another year or two. That said, Singapore is also very careful to remain neutral between China and the United States; it rationalizes its two-decades-old security relationship with the United States as a hedge against its neighbors, many of whom are of the Malay culture, and is not specifically aimed at China.[561]

Manila seems to be an exception to the hedging approach of its ASEAN colleagues. The government of the Philippines has warmly embraced the rebalance strategy; it has had to. The April 2012 standoff with China over Scarborough Shoal highlighted the fact that it is virtually defenseless at sea. Moreover, it cannot afford a major increase in defense expenditures. Since that time Manila has agreed to measures that will result in stronger and closer cooperation with the US military. Periodic presence of US naval resources, which has been steadily increasing over the past 12 months,

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[560] Ibid

[561] As former Singapore Prime Minster Lee Kwan Yew famously put it in his memoirs, "Singapore is a Chinese island in a Malay Sea." See Lee Kwan Yew, *From Third World to First: The Singapore Story 1965-2000* (Singapore: Times Media, 2000), p. 25.

will continue. Particularly important to both parties will be increased access to the former Cubi Point Naval Air Station in Subic Bay, which will facilitate aerial reconnaissance over the SCS. According to a *Voice of America* article, Philippine officials are risking political blowback regarding an increased US presence because they want the country "to be in a better position to defend its claims in the SCS."[562]

In sum, there is no question that Beijing has paid a political price for being assertive, in that it facilitated greater US involvement with the Philippines and Vietnam. It has made most of its neighbors very nervous and apprehensive that its current behavior is a preview of how a "fully risen "China will behave. Nonetheless, I believe that Beijing believes it can manage these apprehensions because of the important trade and economic linkages it has with all of its neighbors. Beijing also realizes that its neighbors are quite aware of the fact that China is always going to be a very powerful near neighbor with a strong sense of grievance and willingness to play "hard ball" with weaker powers when its sense it is being crossed. In short, Chinese leadership recognizes that these countries are always going to live in the shadow of China, and will ultimately have to come to terms with that reality. As s a result I do not anticipate any significant change in behavior as it relates to sovereignty questions.

Assuming the US concludes that the Senkaku Islands are legitimately claimed by and administered by Japan, and that the US-Japan Defense Treaty would apply, should China-Japan tensions erupt in a kinetic exchange, what is the optimum role for PACOM.

It is unlikely that the US will acknowledge Japanese sovereignty over the Senkakus. The islets were returned to Japanese control via the Okinawa Reversion

[562] Simone Orendain, "Philippines Readies for Increased US Presence, " December 12, 2012, www.voanews.com/artcilceprintview/1563453.html.

Agreement. During ratification of the Agreement in the US Senate, the United States specified that the Reversion Agreement did not affect the determination of ultimate sovereignty over "disputed islands."

So while the US does not have a policy position on ultimate sovereignty, Washington has concluded that so long as they are under Japanese administrative control they are part of Japanese territory that the United States is treaty bound to defend. Any ambiguity regarding the US position was removed in October of 2010 when Secretary of State Clinton publically affirmed that in fact the Senkakus *were* covered under article 5 of the US-Japan Security Treaty.

This means that Washington has committed itself to possible conflict with China in defense of the islands. While this was an important step in reassuring Japan, as well as deter Chinese impetuousness, while indirectly reassuring other US allies in Asia that Washington would not abandon its friends when they faced Chinese pressure; it has created another potential Sino-US flashpoint in addition to Taiwan.

On the issue of a kinetic exchange, during his recent visit to Washington, Japan's Prime Minister Abe, in response to a question following a presentation at a Washington based think-tank, indicated that Japan would defend the Senkakus. He said, "On the Senkakus, our intention is not to ask the US to say or do this or that. We intend to protect our own territory now and in the future."[563]

I hope PACOM makes it clear that is what the US military expects; the Japanese will take the lead in defense of its own territory and the US will provide essential back-up support, such as surveillance, logistics, and technical advice. Washington should try very hard to avoid getting into a direct shooting war with the PLA over

[563] Quoted in Chris Nelson, "The Nelson Report for February 23, 2013"

uninhabited islets that have no indigenous population, no geo-strategic value, and no intrinsic value in and of themselves.

Would insisting that Japan take the lead in the defense of its islets harm US credibility as a reliable ally and as a counter balance to China? Possibly, but the reality is that the countries who live in the shadow of China have no other realistic choices except the United States if they don't want to become Chinese "tribute states." The point Washington and PACOM could make, I hope, is that a commitment of US blood and treasure to a direct conflict with China will only be undertaken to repel outright aggression, in the case of Japan, against Japan's occupied home islands.

This would not be dissimilar to America's long standing position regarding the prospect of conflict on the Korean peninsula. US troops are present to deter an invasion, or if that fails to fight to repel the invasion. For decades, Washington has not been willing to risk escalation to general war by striking back when North Korea commits an outrageous provocation. This is why it was so nervous about the Blue Houses' "proactive deterrent" policy (an avowed willingness to respond in kind) in the wake of the North Korean shelling of Yeonpyeong Island in November 2010.

Obviously, conflict in the vicinity of the Senkakus could happen if the PLA starts shooting at US ships or airplanes. Given the relatively constrained water and air space surrounding the Senkakus the possibility of "buck fever" by PLA and/or MSDF participants who have not been in a shooting war in many decades cannot be overlooked. Given this possibility I would hope that PACOM imposes relatively tight Rules of Engagement (ROE) on US forces in the vicinity.

All confrontations are different: Each evolves differently, has a different (political and operational) context and is structured differently. We do not assume the 'Three Warfares' will be used in the same manner twice. How have the 3 WF's been used in different ways to structure the pre-kinetic environment?

China uses all three warfare's constantly. Psychological and media warfare is routinely employed by Chinese spokesman and in the authoritative media. The most recent examples are Beijing's responses to the New York Times story on Chinese hacking, and its response to the Japanese claim that one of its ships was "locked-up" by the fire control radar on PLA Navy warship. China employ's the three warfares, in a scenario depend fashion; the facts and circumstances vary with each case, but the overall template or playbook is similar and can be summarized as follows:

1. Admit nothing
2. Deny everything
3. Demand proof
4. Blame someone else
5. Make vigorous counter-accusations[564]

Beijing use of legal warfare is similar. All Chinese sovereignty claims are indisputable; counter claims are dismissed. Third party adjudication is refused. China demonstrates a clear willingness to interpret UNCLOS in an unusual ways when strict adherence would be inconvenient, e.g., China's position on what high seas freedoms are permitted in its EEZ, or drawing baselines around the Parcels

[564] I am indebted to Dr James Mulvenon for this formulation.

and Diaoyu Islands which is not permitted because China is not an archipelagic state, or refusing to clarify the meaning of the nine-dashed line in the South China Sea.

What would be the effect of a "Group Sail" through the SCS? Which nation in the region would be best to initiate the event? Would it be advisable to invite China to participate?

By “group sail” if you mean a multilateral exercise in the South China Sea with all of the claimants and the US arrayed as a multi-national maritime force, I believe the chances of this being possible are slim to none. With the possible exception of the Philippines I doubt that any of the other countries in Southeast Asia would be willing to participate in an event so obviously anti-Chinese. Japan might be willing to join, but South Korea would not, (Seoul is already nervous that tri-lateral USN-ROKN-JMSDF naval cooperation will be criticised as being anti-China.)

It is not entirely clear to me what would be accomplished even if such an exercise or event was possible. Beijing can count. It is well aware of the relative infirmary of the naval forces of the Southeast Asian navy’s when compared with the PLAN. In addition, with the exception of Singapore, the minimal capabilities of these navies are compounded by low standards of operational proficiency.

Eventually this could change however, if all the building and/or procurement plans that the Southeast Asian have planned come to pass by 2020 the combined maritime capabilities of ASEAN states could become important enough to cause China to take them seriously. As new capabilities are introduced, particularly the submarines that most of these countries have or are planning to buy; it might be possible for the USN to organize some sort of an Asian centered submarine consortium around notions of reducing mutual interference, safety, and sea denial

tactics. This would be very hard politically and as I have suggested above would probably be a policy non-starter among the SCS littoral states. The idea however, is worthy of study. If China over plays its assertive hand, and really frightens its neighbors having a proposal at the ready that has been previous studied would be helpful.

It is also important to remember that for 18 years the US Pacific Fleet has organized an annual naval exercise called CARAT (Cooperation Afloat Readiness and Training). A small USN Task Force conducts a rolling series of bilateral military exercises between the US Navy and the armed forces of Bangladesh, Brunei, Cambodia, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Timor Leste joined the exercise for the first time in 2012. (Note that Vietnam has not joined.) It is supervised by Seventh Fleet's Task Force 73 commander, a USN flag officer who is permanently stationed in Singapore.

Assuming that a key PRC objective is to push the US Navy out of the Western Pacific and back to the Hawaiian Islands, what will the Western Pacific maritime/political environment look like in 10 years? Two scenarios:

First, I do not assume that pushing the US Navy out of the Western Pacific is China's objective for the simple reason *that in peacetime it simply cannot be done.* Short of a war that drives the US out, the US Seventh Fleet will remain a fixture in the region as long as Japan is willing to host it, and the US is willing to remain militarily engaged in East Asia.

What I do assume is that in the event of a Sino-US conflict, perhaps over Taiwan if Chinese patience runs out, China hopes that its "counter intervention" capabilities (what the US calls anti-access/area-denial) will work well enough to keep the US Navy beyond effective strike range of China.

It is unlikely that China will halt development of what it considers necessary for its defenses. It is also clear that the US does not intend to sit idly by and permit the introduction of military capabilities that could deny it access to East Asia in a time of conflict, and in peacetime undermine its credibility as a capable ally. This is the problem Air Sea Battle is intended to deal with.

Thus, it seems likely that for the foreseeable future the region will witness a "military capabilities competition" in which China introduces capabilities that could deny access, while the US military, especially the Navy and Air Force, introduces capabilities that will assure access. It will be a period of competing strategic concepts – assured access vs. denied access, manifested by the introduction of military capabilities by both sides to accomplish these ends. The winner of this competition will only be determined in case of a massive failure of statecraft that results in a Sino-US war.

(A) Implement off shore control strategy;

We have been executing an off-shore control strategy in the Western Pacific since 1950, I do not think that will change over the next decade.

While the capability competition mentioned above is going on, there is every reason to believe that over time the naval balance of power in the Western Pacific will slowly change. Over the next ten years China's PLA Navy will improve the numbers and capabilities of its submarine and surface fleet; this will include the new Chinese-built carrier. Depending on how much effort China puts into naval construction, there could be a point in which the PLA Navy represents the preponderance of naval power in the Western Pacific, though not the entire Pacific Ocean. Ideally, when assessing the naval balance, one should count US allies and friends that have credible navies, namely, Japan, South Korea, India and Australia.

But, depending on the scenario, Taiwan for example, it is not clear that, with the possible exception of Australia, which has fought alongside the United States since World War I, the US could count on having any these high end navies on its side. So, prudence dictates a calculation of naval balance that is based on US capabilities alone.

In this regard, history does provide a sobering example. Shortly before WW II the US Asiatic Fleet consisted of two cruisers, a baker's dozen of overage destroyers and almost 30 obsolete submarines. The Imperial Japanese Navy on the other hand was a mighty fighting force. In 1941, as *a regional navy* on the eve of war, it comprised 10 battleships, 10 aircraft carriers, 38 cruisers, 112 destroyers, 65 submarines, and numerous smaller warships and auxiliaries—in other words in terms of principle combatants about the size of today's US Navy.[565]

Finally, even though an off-shore strategy along the Indo-Pacific littoral capitalizes on America's maritime and air power and capability advantages, for the first time since before the Second World War, Washington cannot assume that its military posture, thousands of miles away from the continental United States, will remain beyond challenge. The United States will have to work hard if it hopes to be able to sustain a credible forward deployed an off-shore strategy.

(B) Incident management strategy

I don't know how this differs from what we hope to do today.

[565] David C. Evans and Mark R. Peattie, *Kaigun: Strategy, Tactics and Technology in the Imperial Japanese Navy, 1887-1941*. US Naval Institute Press, Annapolis, Maryland, 1997, p. xi.

How does the US military, both in Washington and PACOM, coordinate its activities in countering the 3WF's with the State Department and other US government agencies? Is this working well? Does it need improvement?

I really have no idea about coordination as it pertains to the three warfares.

I do doubt that the three warfares is the specific lens that OSD, the Joint Staff, the service staffs and PACOM use to evaluate Chinese activities. I suspect their primary effort is to promote and execute extant US policy to ensure US interests are advanced. In that regard, the rebalance strategy is arguably the best direct counter to the three warfares. If you assume as I do, that China's is employing the three warfares to shape the East Asian environment to its advantage then it is clear that the rebalance strategy is the US riposte to that effort. Of course all of Asia is watching keenly to see if Washington does what it says it is going to do.

In this context, the most important military dimension of the rebalance is, in my judgement, the Air Sea Battle concept because it provides something tangible that US military leadership can specifically point to as a US initiative that will ensure that the United States cannot be pushed out of East Asia by China. It can and should be used as military "shorthand" to illustrate that Washington is not sitting idly by while PLA capabilities are growing. The region needs to come to believe that through the miracle of US technical prowess, it is the means by which the US can assure access to the region, and thereby satisfy its security interests and fulfil its security obligations in East Asia. This is PACOM's key psychological weapon.

I am worried we may be talked out of using this powerful reassurance tool by those who suggest Air Sea Battle is destabilizing. There is quite a lot of negative talk in blogosphere about Air Sea Battle that fails to appreciate that the concept is an important element of US credibility in face of Chinese access denial capabilities.

Critics are worried about the implications of engaging in a conventional conflict with a nuclear armed China; particularly talk that suggest attacks on the Chinese mainland. In this regard it would probably be wise to stop publically rationalizing the new USAF bomber as a weapon to strike deep into China (which I do not believe any president would authorize in conventional conflict) this sort of talk makes many US academics and security specialists nervous, and the Chinese are smart enough to appreciate the implications of a bomber specifically designed to penetrate without being reminded.

4.

PAPER 1: THE THREE WARFARES IN THE MARITIME DOMAIN: A LOOK AHEAD

REAR ADMIRAL JAMES GOLDRICK, RAN (ret.)

Introduction

The key question in relation to China's potential employment of the 'Three Warfares' against the United States Navy in the next ten years is the circumstances

in which such non-kinetic actions could be effective against American naval operations – or those of America's allies and friends. The discussion which follows is based wholly on open source material. It claims little or no privileged knowledge in relation to either Chinese or American concepts or operations. It assumes a number of pre-conditions, perhaps the most important of which is a coordinated whole-of-government Chinese approach to the resolution of maritime conflicts – something practically essential to make the 'Three Warfares' work at all. It is acknowledged that the evidence for such coordination is mixed. Ironically, given the popular ideas of China's long term planning perspective, the evidence is most mixed when considering the interaction of current Chinese policies with a detached assessment of China's true, long term maritime interests. China's history, its self-image as the 'Middle Kingdom' and the past (and perhaps continuing) domination of continentalist thinking means that there are many national 'hang ups' on maritime matters, as well as much misunderstanding of the nature of sea power. Nevertheless, in responding to emerging and unexpected contingencies, China has shown sufficient capacity for 'joined up' action in the maritime domain to give credence to the potential of the 'Three Warfares' strategy in certain circumstances.

The Three Warfares at Sea: A Look Ahead

In utilising the 'Three Warfares' in the maritime domain, China would either be attempting to limit or confine American naval operations to achieve direct strategic and operational effects, or to achieve an advantage in the court of world opinion, both popular and expert. In the latter case, it is likely that the popular focus would

be for short-term gain, the expert for the long term, particularly to support the evolution of international law in the directions that China wants.

There are three general situations in which the ‘Three Warfares’ might be applied operationally in maritime issues in the next decade. The first is a contingency in which the United States is demonstrating support through naval presence for an ally threatened by China within areas relatively close to China’s mainland or its offshore islands. While there are strong possibilities, given security relationships, of this occurring in relation to Chinese territorial disputes with Japan, or even South Korea, the most likely subject is Taiwan.

The second case would result from a decision by China to take the issue of foreign military operations in her Exclusive Economic Zone to a new level. Whether this would ever occur depends upon a legion of external factors and it is likely that such a move would only come as part of the deterioration of the broader US-China relationship. Furthermore, China’s current interpretation of the Law of the Sea Convention (UNCLOS) creates limitations on the manoeuvre space within other nations’ 200 mile Exclusive Economic Zones (EEZ’s) for its own increasingly capable and far ranging navy. It is thus possible that China will quietly change its approach to the subject over the longer term. Nevertheless, Chinese irritation at American surveillance might reach the point at which action is taken. Perhaps the most likely circumstance would be a Chinese perception that its submarine based nuclear missile force, which is now expanding rapidly, would be vulnerable to interdiction because of such activities, particularly if a ‘bastion’ concept were adopted that kept the missile boats close to China’s coasts.

There is a third special contemporary case for the maritime ‘Three Warfares’ and this is the South China Sea. This will be discussed separately, since its immediate targets would be the nations of South East Asia, rather than the United States or its East Asian allies.

Countering US Naval Presence

In a situation in which there is tension over Taiwan, use of the ‘Three Warfares’ would probably be focused most on limiting the manoeuvre space of US forces – effectively using the Law of the Sea as ‘lawfare’. Such operations could encompass significant elements of the Chinese fishing fleet as well as its maritime security agencies. The scale on which they could be conducted would depend directly upon China’s national priorities, since large scale efforts would require diversion of assets from other tasks, with concomitant economic and governance costs. Nevertheless, given both the consolidation of government maritime organisations in recent years into more effective national authorities, as well as the steadily increasing number and capabilities of maritime security units, China’s ‘white navy’ must be considered as a force of increasing potential for the pre-kinetic stages of maritime confrontations.

A key tactic for the Chinese would be to determine where US units, both surface and sub-surface would need to be positioned to provide an effective intervention capability or simply to demonstrate presence and resolve, as well as to identify

where the American units are actually operating at the time. China could then employ its advantage of what can be described as ‘maritime mass’ to occupy those areas as much as possible with what it would justify publicly as peaceful use of the sea. This could include the deployment of hundreds of fishing vessels and their nets to obstruct likely submarine operating areas. They could also attempt similar effects against stand-by amphibious forces, which could thereby be constrained to poise at greater distances from target areas than would be desirable. Similar measures against aircraft carriers would be much more difficult to achieve, although they would complicate the planning for flight launch and recovery operations if the USN requirement were to have the carriers in any kind of semi-permanent operating area close to the coast. What would be much more practicable against the carriers would be to deploy multiple ‘research vessels’ with towed arrays and other devices, supported – particularly but not only within the Chinese EEZ - by maritime security units. Such ships could at least partially ‘box in’ a carrier’s intended operating area and force it further away from the coast to maintain sea room, while also - a particularly important aspect - supporting the targeting efforts of the Chinese military.

Given China’s experience from the *Impeccable*, Chinese units would probably not attempt to force interaction but would remain passive in close range situations. The Chinese Navy would be kept well out of sight, while China would seek to create photographic opportunities which contrasted the ‘peaceful’ Chinese presence with that of the ‘militarist and aggressive’ US Navy. Furthermore, if American units were forced to interfere with Chinese ships or gear, or did so through misjudgement, China would seek to achieve the maximum propaganda value. It would publicise the incident as an example of American aggression and

interference with China's 'legitimate' legal, commercial or scientific activities. Such pressure would be maintained through all the information outlets available to the Chinese, with any additional incident (or alleged incident) being reported to provide additional evidence of American interference. The publication of any material would be done extremely quickly if the lessons of previous encounters at sea have been fully learned.

The potential value of such tactics in a confrontation should not be under-estimated, particularly in relation to international opinion and the operation of the United Nations and its Security Council. Although the discussion above has focused on their employment within a Taiwan contingency, their greatest utility for China could come in the more ambiguous contingencies (such as the current Senkaku-Daioyu stand-off). By using only 'white' units to enforce Chinese law and policy, China could create circumstances in which the United States would be forced to become the first to employ military power – and even kinetic means – if it were to have any direct effect on the outcome. The tactic would certainly complicate the Japanese situation in any conflict with China, particularly as the Japanese must be even more careful not to be seen to be using military force in ways that could be interpreted internationally as making Japan the aggressor. Furthermore, in a situation, such as Senkaku-Daioyu, which had developed to the point that the United States was directly involved, America would almost certainly still be intent on confining the conflict as closely as possible. In such circumstances, clever Chinese utilisation of non-kinetic effects against the Japanese could effectively avoid the appearance of escalation which would justify direct US naval intervention, while also making life very difficult for any American ships in the area.

Actions against Surveillance Operations

Measures to assert the Chinese position on military operations within the Exclusive Economic Zone (EEZ) are likely to take a different approach. The abortive operations against USNS *Impeccable* in 2009 must have provided much food for thought for China's maritime 'Three Warfares' planners. It is unlikely that the mistakes made by the units concerned will be repeated. Actions against US surveillance units are thus liable to be much more direct and pre-emptive, or else constructed in such a way as to place the American units at a significant moral and preferably legal disadvantage.

The key vulnerability for the United States lies in civilian manned USNS units and other non-military American government research vessels. Unless these vessels have substantial and carefully planned self-protective measures which are capable of very rapid activation, then they are open when operating alone within the Chinese EEZ to such measures as swift vertical insertions by helicopter borne special forces, which would allow the Chinese to take control of a surveillance vessel and 'arrest' it for being in breach of Chinese law. The activity would be conducted at night to avoid the '*YouTube* effect'. Great importance would be placed on achieving control of the American unit with no casualties and the executing units would be very visibly from the maritime security agencies and not from the Chinese Navy. Such operations are not simple to accomplish, but there can be little doubt that Chinese para-military forces are capable of planning and

rehearsing them (particularly with appropriate covert military backing) and of maintaining tight security about their intentions.

The operation would be planned so far as possible to prevent an immediate American military response. The Chinese would thus have done their best to ensure that no capable American surface forces are in the immediate area. Furthermore, the arrest and any subsequent escort of the apprehended vessel into a Chinese port would also be conducted by Chinese maritime security agency units and not by warships of the PLA-Navy. It is likely that the Chinese would create a 'ring of white steel' around the American unit with the Navy acting as a more distant covering force. This would put the onus on the USN in escalating the situation, since the targets of any action would be non-military vessels. The Chinese might also seek to complicate any US targeting and recovery effort by the distribution of the USNS crew around the escorting Chinese vessels.

Once committed, China would certainly also seek to publicise the action as widely as possible. It would immediately follow the arrest of the American unit with a narrative that would emphasise both the continuity of the Chinese view of UNCLOS and the 'patience' with which China has borne repeated American 'incursions' into its EEZ. Every effort would be made to swamp international media and social networks with video footage supporting the Chinese story. The crew would be treated as well as possible, although their access to communications and social media would be tightly confined to what presents China in the best light. China would certainly allow individuals access if it thought the same effects could be achieved that Iran managed with British personnel after the '*Cornwall* incident'

in 2007. China would probably release crew members back to the USA in stages, starting with the most junior and eventually retaining only the captain for trial.

The alternative course of action is to create a situation in which the American unit appears to be the aggressor. This would require similar envelopment tactics to those discussed above in the context of Taiwan, which need both considerable pre-planning and coordination and relatively large numbers of ships to make them work. The danger for China would lie in the visual images being in contradiction to the Chinese line of defensiveness and legality and this would put a further premium on careful planning and equally careful execution. Nevertheless, casting the American unit as the ‘villain’ in such a way does constitute a possible course of action for China, even if much less likely.

The Three Warfares and the South China Sea

The South China Sea could see the use of the ‘Three Warfares’ as a measure of first resort against nations which are in fact much weaker militarily than China, rather than just as a means of avoiding direct military conflict with powers that are stronger – or strong enough to cause trouble. It is arguable that the latter been the Chinese approach to Vietnam in the Paracels since 2009, when the risks of taking on a progressively more capable and aggressive Vietnamese Navy reached the point at which it was more sensible to put the maritime security agencies into the front line. However, the greater role of the Fisheries and Marine Surveillance agencies in the 2012 confrontations with the Philippines suggests that the ‘white

navies' have another new task. Prior to this point, the PLA-Navy had been the lead in most encounters in the Spratly Islands, but China's other maritime security organisations have reached the point where they have the ability to over-match at least one and potentially the majority of the littoral nations in their own right. A historical parallel to the Chinese maritime security agencies' position in relation to the Philippines in particular could be Bismarck's sarcastic reaction to the prospect of a British amphibious assault on the German coast – he declared that he would send a policeman to arrest them. In utilising 'white navies' in any clash, China would obviously seek to achieve defeat in detail, with the Philippines as the first and most likely victim. Cloaking its actions in the guise of non-military police and security enforcement creates a very high bar indeed for an opponent to attempt a kinetic response, and an even higher bar for that opponent to receive direct support from any other nation, no matter how egregious the Chinese position on its South China Sea claims.

The bar could be further raised by the continuing development of the 'islands' in the South China Sea. Potentially also of concern will be the installation of oil and gas platforms as both symbols and real-world markers – as 'mobile national territory and a strategic weapon'.[566] This approach has been likened to a game of *Wei Ch'i*, with the result being the effective domination of the maritime area in contention.[567]

Lawfare and the Long Game

[566] Brian Spegele & Wayne Ma 'For China Boss, Deep-Water Rigs Are a "Strategic Weapon"' *The Wall Street Journal* 29 August 2012 http://online.wsj.com/article/SB10000872396390444233104577592890738740290.html?KEYWORDS=strategic+weapon

[567] Martin Murphy 'Deep-Water Rigs as Strategic Weapons' 17 December 2012 www.murphyonpiracy.com

It is a truism of the law that God is on the side of the big legal battalions. What is particularly notable about China's international law community is its recent growth in both scale and activity, while there is an undeniable quality within much of its product. The inevitable result of this growth of expertise is that China will become increasingly influential in the interpretation and development of international law, notably of the law of the sea. This influence is likely to have important consequences because it will bring with it what is likely to become an increasingly coherent 'Chinese way' of thinking on such matters.

International law evolves through international negotiations and agreements, but much of that evolution is justified by history and precedent. The weakness from a Western perspective – and the most vulnerable target from China's perspective as an agent of change – is that much of the history and precedent derives not only from European history, but within the context of the 'Age of De Gama', from that of the expansionist and aggressive West.

The Chinese approach to the evolution of international law is likely to take two lines. The first will be to transform the historical narrative to give due regard to the weight of Chinese history. There have been indications of this approach in relation to the South China Sea, but the 'White Paper' entitled 'Daioyu Dao: an inherent territory of China' issued by the Chinese Government in September 2012[568] most clearly suggests the pattern of this campaign. The paper details at length and with extensive citations, the historical record of China's claim to the islands, using

[568] http://www.news.xinhuanet.com/english/china/2012-09/25/c_131872152_5.htm

national sources to go as far back as 1372. The ‘White Paper’ also reflects what will be another theme – a willingness to select from Western history and records where they suit the Chinese case. However, such cherry picking will, as shown in the ‘White Paper’, only be in support of the main Chinese arguments and not conducted as the principal argument. Fundamentally, as China’s command of its archives continues to increase, so will its deployment of Chinese precedent as primary justification.

The second element is that the extent and the speed with which legal opinion will be marshalled to support China’s public position on any maritime dispute are only likely to increase. This will not be confined to Chinese scholars. As has started to happen in the Senkaku-Daioyu affair, foreign commentary will be monitored and, when it aligns with China’s thinking, publicised as widely as possible.

Finally, longer term measures towards the creation of what might be termed a ‘Chinese school of international law’ may also include providing increased financial support (such as scholarships and resident fellowships) to overseas academics whose views have Beijing’s approval, as well as encouraging more young international scholars to study with Chinese experts.

The Three Warfares and the Future

The discussion to this point has focused on the potential of the 'Three Warfares' in the seas around China itself. In the longer term, however, they may become tools for the assertion of Chinese interests much further afield. Most notable is the potential for their employment in any disputes over the Antarctic, a region in which China has long expressed interest and in which it is currently engaged with significant resources. The Antarctic regime remains an ambiguous one, highly dependent upon mutual goodwill and an agreement not to press individual national claims. It is thus open to disruption by any power willing to assert its interests. That China will go its own way when and where it wants has already been demonstrated by its reported refusal to endorse a declaration of Marine Park Areas in the Southern Oceans, despite extensive international support.[569]

A key indicator as to whether China's policy will move beyond the normal cut and thrust of international debate on such issues would be the deployment of national maritime security units into the region, particularly if their declared purpose is, for example, protection of Chinese flagged high seas fishing vessels. If China does this, it will be accompanied by a legal campaign of significant proportions, probably aimed directly at the western and 'imperialist' origins of much of the legal regime which has so far applied to the Antarctic, with an accompanying effort in both national and world media. Other developing and post-colonial nations could well be enlisted to support the Chinese line. In these circumstances, the 'Three Warfares' could create a formidable problem for the other nations concerned.

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[569] Matthew Denholm 'China blocks marine park plan' *The Australian* 2 November 2012. http://www.theaustralian.com.au/national-affairs/foreign-affairs/china-blocks-marine-park-plan/story-fn59nm2j-1226507868838 The marine park program was an initiative out forward during the closed discussions in the regular Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Conclusion

In an accompanying paper[570], the author has suggested that the concept of the 'Three Warfares' actually reflects the practices of many nation states in the past. Furthermore, the point at which the three become 'warfares' rather than instruments of peaceful (and legitimate), albeit activist policy, will always be difficult to mark. Nevertheless, there are signs that China's ability to coordinate the various elements and its willingness to do so are increasing. The better the coordination and the greater their sophistication, the more difficult the 'Three Warfares' will be to combat. What is clear is that any nation which expects to face China over issues in the maritime domain must look, for its part, to develop a whole-of-government approach that can provide effective and timely responses to all three lines of operation. This will not be easy. Furthermore, and this could prove a key problem for the United States with its own tendency to legal exceptionalism, the creation of a united international front may be just as important in managing China.

Nevertheless, there is another facet to the Middle Kingdom's relationship to the maritime domain. China may well be approaching a crossroads, not just about the methods that it will utilise to assert its interests, but in determining where those real interests lie, particularly for the longer term. If there is to be a 'Chinese School' of international law and policy and if it is to be effective in moving the Law of the Sea regime in directions that China wants, this will require the support

[570] James Goldrick '*Impeccable* and Some Offshore Islands: Two Case Studies of the use of China's 'Three Warfares' in the Maritime Domain' Paper for the Cambridge University project for the US Department of Defense, January 2013.

– or at least the acquiescence – of a significant part of the international community. To achieve that support, China may well need to rethink its attitude to the South China Sea and sacrifice at least some of its claims in exchange for a much more positive outlook to its wider maritime activities from the nations of South East Asia. If China does not, it risks becoming bogged down within the 'Nine Dashed Line', with the human and financial capital of its agencies and its legal experts – in effect its ability to prosecute the 'Three Warfares' - preoccupied, if not consumed by the need to sustain its position in the face of an increasingly resentful region.

A decision to compromise on the South China Sea would also say a great deal about how far China is likely to take the 'Three Warfares' in relation to other matters. In the shorter term, embroilment in the South China Sea may keep China so busy that its tendency to activism elsewhere will be minimised. This may simplify matters for other players elsewhere in the maritime domain for a time. The real danger would come if China, having achieved its national aims within the South China Sea (something which is quite possible), should decide that the same hard-line approach can be applied in other regions. This scenario is unlikely within the next decade, but it may well prove a formidable challenge in the 2020s.

PAPER 2: IMPECCABLE AND SOME OFFSHORE ISLANDS

TWO CASE STUDIES OF THE USE OF CHINA'S THREE WARFARES IN THE MARITIME DOMAIN

REAR ADMIRAL JAMES GOLDRICK, RAN (ret.)

Introduction

This paper analyzes the encounter between the American surveillance vessel USNS *Impeccable* and Chinese vessels in March 2009, as well as the most recent of the crises resulting from China and Japan's disputed claims to sovereignty over the Senkaku/Daioyu island group in the East China Sea. Its aim is to determine the role played by China's employment of the 'Three (non-kinetic) Warfares' of psychology, the media and the law.[571]

The use of such case studies to examine the 'Three Warfares' within the maritime domain has certain limitations, which do not invalidate the methodology but must be understood from the outset. Firstly, the incidents must be considered within a very complex strategic and political environment. Even as a 'single problem', the

[571] The interpretation of the concept of 'Three Warfares' used in this analysis is based on Timothy A. Walton's study 'China's Three Warfares' Delex Special Report No. 3, 18 January 2012. Delex Systems Inc., Herndon, Virginia.

maritime sovereignty issue has wide ranging external and internal ramifications for China. It is the subject not only of continuing debate within the government and the security establishment, but also a matter of intense interest to a vociferous, highly nationalist and difficult to control 'e-connected' middle class.[572]

Secondly, the incidents chosen show China's government acting to manage a problem, rather than the central authorities taking the initiative. Analysing the 'Three Warfares' in the context of this reactive mode has been difficult to avoid. Examples of a centrally pre-planned provocation in the maritime domain by China are rare in relation to both the United States and Japan.[573] This is arguably a very different situation to that in the South China Sea and almost certainly relates to China's consciousness of the present superiority of American and Japanese naval capability. China has little or no aversion to the use of force as such, but it does have an aversion to unwelcome results. The use of direct military force in the South China Sea against any of the littoral states is much less likely to have unfortunate consequences for the PLA and for China's Navy, the PLA-N, in particular. Thus, avoidance of anything resembling a military defeat must be acknowledged as a key reason, if not the key reason, why the 'Three Warfares' have a significant place in the Chinese armoury for the management of maritime conflicts with the United States and Japan – one relatively even more significant (although they may well be employed) than in a maritime crisis involving a smaller South East Asian state.

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[572] For a good summary of the issues see: Li Mingjiang 'China's non-confrontational assertiveness in the South China Sea' 14 June 2012 *EastAsiaForum* http://www.eastasiaforum.org. This is expanded upon in the same author's paper 'Chinese Debates for South China Sea policy: Implications for Future Development' Rajaratnam School of International Studies Paper No. 239 dated 17 May 2012.

[573] It is arguable that many of the incidents that do occur are the result of local misjudgements – potentially the case with the interaction of the US EP3 off Hainan in 2001 and the striking of USS *John S. McCain's* towed array by a Chinese submarine in 2009.

The *Impeccable* Affair – March 2009

The *Impeccable* incident in March 2009 demonstrated many of the characteristics of the 'Three Ways of Warfare', as well as some of its constraints and difficulties in execution in the maritime domain.[574] In that month, the surveillance vessel USNS *Impeccable* was conducting operations in the South China Sea, approximately 80 nautical miles[575] from Chinese territory and well inside China's declared Exclusive Economic Zone, while a few days before her sister ship, *Victorious* had been operating in the Yellow Sea, some 125 miles off the Chinese coast and thus also within the 200 mile Exclusive Economic Zone (EEZ). Given China's radically different view of the limitations on military operations within the EEZ, their activities, and those of other US military units in the past, had resulted in frequent Chinese diplomatic protests[576], but had not usually been the subject of direct action.

The first indication of special interest came at night on 4 March when *Victorious* was illuminated by searchlight by a Chinese Bureau of Fisheries vessel, which then crossed the USNS unit's bows at 1400 yards range. Given the towed array unit's slow speed and the fact that the array, if deployed, would have been streamed astern not ahead, this in itself was not an unreasonable or unseamanlike manoeuvre (if not particularly polite).[577] On 5 March a Y-12 maritime patrol aircraft conducted twelve passes of *Victorious* at 400 feet height, offset by 500 yards – a procedure in

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[574] The following narrative on the *Impeccable* incident is based wholly on open source material and relies largely upon the statements issued by US authorities immediately after the incident. However, the details of those statements have also been compared as far as possible with the material available on *YouTube*. So far as can be determined from a professional mariner's perspective, they are consistent.

[575] Miles will be used to describe the term 'nautical mile' which equates to 1852 metres.

[576] Chinese protests have been legion. Typical of the approach and the rhetoric involved are the Chinese Foreign Ministry comments of 27 September 2002, when a spokesman urged the US to 'stop its activity in China's exclusive economic zone'. http://english.peopledaily.com.cn/200209/27/eng20020927_103991.shtml.

[577] US vessels sometimes have a greater sensitivity to stand-off distances in even purely navigational situations than do units of many other countries.

accord with generally accepted stand-off distances, if unusual in the number of repetitions.

On 6 March, however, the international situation escalated when a PLA-Navy frigate crossed *Impeccable*'s bows at only 100 yards distance. This was followed by a series of passes by a Y-12, this time only offset by 100-300 feet from the American unit, albeit at the slightly increased height of 600 feet. The frigate then crossed *Impeccable's* bows again, this time 400-500 yards away. At no point did the frigate indicate her intentions. The following day, a Chinese naval intelligence gatherer (AGI) called *Impeccable* on an international VHF radio frequency, declared that her operations were illegal and directed her to leave the area or 'face the consequences'.[578]

On 8 March some five vessels converged on the *Impeccable*. Notably, the five included the AGI of the previous day, a Bureau of Fisheries patrol vessel, a State Oceanographic Administration vessel and two 'civilian' trawlers. Added to the warning of the day before, this indicated that the assembly was both pre-planned and an inter-agency event. The Chinese chose daylight and good weather for their intervention. In the close encounters that followed, it was the trawlers which played the leading role. Although there were several very close interactions and some attempts to interfere with the American ship's towed array, forcing the *Impeccable* to take urgent avoiding measures and employ fire hoses against Chinese personnel on the upper decks of the fishing vessels, neither side suffered damage or casualties. Nevertheless, *Impeccable* eventually withdrew temporarily from the area, only returning when she had the benefit of a USN destroyer escort.

The 'Three Warfares' at Work

[578] http://edition.cnn.com/2009/POLITICS/03/09/us.navy.china/index.html.

To understand the operation of aspects of the 'Three Warfares' concept in the *Impeccable* affair, it is important to separate what was likely to have been the pre-planned effort from management of the unexpected consequences. Given the *Impeccable*'s operating area and its proximity to the increasingly important (and active) PLA-N facilities on Hainan, it is probable that the general Chinese opposition to foreign naval activities within the EEZ developed a particular urgency for the South Sea Fleet Command. The PLA-N may have wished to protect its submarine entry and departure procedures and local activities, as well as minimizing American understanding of the nature of the operating environment. It was thus probably a step taken in relation to a specific operational problem (and perhaps a specific sensitive PLA-N operational event) rather than as part of a developing grand strategic campaign to take China's efforts to impose its concept of the EEZ to the level of direct action. Nevertheless, while it was limited in scope and intent, the move against the *Impeccable* was clearly designed with something of an eye to all three of the 'Warfares'. It may or may not have had overall approval from Beijing[579], but the tactics would have been planned and coordinated between the agencies at regional level.

The psychological aspect was aimed at several targets. The first was to put pressure on the civilian crew of the *Impeccable* and, by association, any other USNS (notably as opposed to full USN) seagoers to demonstrate that they were potentially taking themselves into harm's way. At the higher levels of US command, the intent was to create a similar degree of uncertainty about the safety of the unarmed USNS surveillance vessels when operating within Chinese zones and, if the United States did not stop such operations outright, at least ensure that they could no longer be considered as routine.

[579] Rear Admiral (ret) Eric A. McVadon in 'the Reckless and the Resolute: Confrontation in the South China Sea' *China Security,* Vol. 5, No. 2, Spring 2009, argues that Beijing was not privy to the plan, given its dissonance with other interactions with the US which were in train.

The instruments to be employed were designed with an eye to both the media and the law. This was a tactic that China had employed previously during maritime incidents, in that fishing vessels had been the first agents of action, any interference with them providing a pretext for government intervention, rather than bringing in the government or military first. The official agency of first resort might once have been the PLA-N, but times have changed. The rapid growth of non-military government agencies in the maritime domain, tasked with policing, environmental and resource management, has created a new method of intervention in that the ships and personnel of these bodies can be employed to enforce Chinese law and policy without necessarily requiring direct naval involvement with all its implications.[580]

The Chinese were focusing not only on the environmental/resource management aspects of their interpretation of EEZ rights and responsibilities, but also on their 'peaceful use only' interpretation of other nations' rights to activities within the Chinese EEZ. By forcing interaction with fishing vessels, the claim would have been that the *Impeccable* was interfering with the lawful activities of Chinese flag ships. By attempting to cut the towed array, attention was being drawn to the 'illegality' of its use – because it was clearly not being used for 'peaceful' purposes in gathering information on Chinese military activity within the Chinese EEZ. Had there been a collision, then the Chinese would have claimed that *Impeccable* was the aggressor; had the array been cut, not only would *Impeccable*'s principal operation been stopped outright, but the Chinese could have justified the step as being one directed to stop a 'non-peaceful' activity.

[580] A tactic employed more successfully against the Philippines during the Scarborough Shoal incident in April 2012.

It is strongly arguable that the tactics employed by the Chinese mis-fired and for one reason more than others, a lack of recognition of modern social media[581] and of the improved electronic connection of ships at sea with the outside world. In the past, even if moving film had been taken, there was likely to be a long delay before it could be got off the ship concerned, developed and issued.[582] This is no longer true. The ability for any individual – with little or no preparation - to make a compelling visual record and disseminate it around the world creates the requirement *to be seen* to adhere absolutely to international law and regulation if a moral advantage is to be retained in any encounter. This now applies as much to ships as it does to riot control police in a domestic crisis. The lesson of videos at sea had first been learned by the Japanese in the Southern Ocean in 2008 (although only in part, as was clear in the Senkaku/Daioyu incident with Taiwan in the same year). Attempts to protest at the presence of the Australian patrol vessel *Oceanic Viking* near the Japanese whaling fleet with allegations about the ship's interference with their operations were still-born after a list of their own ships' breaches of the International Regulations for Preventing Collisions at Sea (COLREGS) were presented to them informally, accompanied by video evidence.[583] In the past, it was relatively easy to claim a victim role in the absence of such material by utilizing fishing vessels or other 'peaceful' craft as the actors in any encounter with a government or military vessel. This was clearly the intent with the units deployed against the *Impeccable*.

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[581] This extraordinary improvement in 'connectivity' has been the major development in seagoing life during the author's professional career. It has ramifications across a host of operational and personnel areas that are only just beginning to be understood.

[582] For example, during the repeated 'Cod Wars' between Iceland and the United Kingdom between 1958 and 1976 electronically transmitted still photography became possible, but there was an inevitable time lag with promulgation of the moving film images. In consequence, the advantage went to the nation which could issue the first and most comprehensive press statement. For a balanced history of the campaigns see Andrew Welch *The Royal Navy in the Cod Wars: Britain and Iceland in Conflict 1958-1976* Maritime Books, Liskeard, 2006. Welch was a British veteran of the wars, but the book includes a foreword by the former commander of the Icelandic Coast Guard.

[583] The author was Australia's Commander Border Protection at the time and in control of the surveillance operation on the Japanese whaling fleet in the Southern Ocean which took place in early 2008 in the southern summer.

What occurred, however, as shown in multiple *YouTube* clips, was that the Chinese ships were clearly engaged in aggressive and dangerous man oeuvres which were in breach of the COLREGS. Furthermore, whatever the wisdom of placing an effectively unarmed, military owned but largely civilian manned ship in such a situation, the low key and wholly defensive, 'gun free' approach adopted by the *Impeccable* as shown in the footage indicated very clearly that the aggression was one-sided and that the Chinese behavior was inappropriate. It was this development, together with the forthright and very public US protests that together moved Chinese management of the incident into one of reaction – the speed of the US response as well as the comprehensiveness of the material released may have been something of a shock. This was reflected in the way that the Chinese did not immediately attempt to create a detailed alternative narrative but confined themselves to more general assertions as to *Impeccable'*s operations, which were arguably as much for immediate domestic consumption as overseas effect. The declaration of 10 March, the first public response by the Chinese Foreign Ministry, simply stated that "the US claims are gravely in contravention of the facts and confuse black and white and they are totally unacceptable to China"[584]. Not until a week later was there any serious attempt in public to defend the actions of the fishing vessels[585], and this, too, appears to have relied much more upon blanket assertions than detailed facts.

Another deficiency that may have affected Chinese behaviour was the probable lack of a designated 'lead agency' to manage the repercussions of the incident. This tends to strengthen the view that the very highest military or agency authorities in Beijing had not been involved in the decision making before the

[584] http://news.xinhuanet.com/english/2009-03/10/content_10983647.htm

[585] The Head of the South China Fishery Administration was reported in this way on 20 March 2009. Cited in Oriana Skylar Mastro 'Signaling and Military Provocation in Chinese National Strategy: A Closer Look at the *Impeccable* Incident' *The Journal of Strategic Studies*, Vol. 34, No. 2, April 2011, p. 225.

moves against *Impeccable* were made, but there were nevertheless wider problems of coordination within the Chinese polity at this time. There has been considerable commentary on the inter-agency problem in China and the competing behaviours of the various organizations (five major and four minor) with direct maritime responsibilities.[586] The relative slowness of the 'second wave' Chinese response was notable, further immediate comment only coming from the Chinese media's initiative to interview one of the more active (and hard line) commentators, Wang Dengping, a political commissar in the PLA-N.[587]. His statements were also much more general than specific. All this suggests that Beijing was not well prepared to manage the repercussions and was in 'catch up' mode for some time.

The more considered legal responses that followed, however, maintained China's strong line on the EEZ and worked hard to create a position of moral advantage for China in relation to the claimed requirement for any activity within an EEZ to be peaceful, combining use of the media and of the law. These commentaries became more sophisticated and can be considered as elements of the wider and ongoing 'lawfare' campaign, in which China has moved to use the *Impeccable* Incident as a further piece of evidence as the unacceptability of America's behaviour in others' EEZs. Notably, there were 'dog whistles'[588] within them which were constructed to attract support from other developing maritime nations within a wider context than the law of the sea alone. For example, the Deputy Director-General of the China Institute for Maritime Affairs, included within his article, a quotation from Indonesia's Hasjim Djelal that "The end result for us is that this kind of freedom of

[586] Trefor Moss 'China's Other Navies' *Jane's Defense Weekly 11 July 2012* pp. 28-32. See also International Crisis Group 'Stirring up the South China Sea (I) *Asia Report No. 223* – 23 April 2012, especially p. 8 et seq.
[587] http://news.xinhuanet.com/english/2009-03/10/content_10985038.htm
[588] 'Dog whistle' is an Australian political term referring to an argument or claim which triggers responses on much wider issues. For example, a claim about law and order problems in a particular area of a city and the need for harsher measures may in fact be to seek the support of those who have an animus against a particular ethnic group.

navigation or freedom of the seas actually brought colonialism to Indonesia."[589] The campaign has included other rallying cries for regional nations such as Ji Gouxing's 2009 declaration that 'East Asian countries need to establish an agreed definition of navigational rights to be applied in practice so as to guarantee freedom of navigation and regional SLOC security'.[590]

The Senkaku/Daioyu Affair - 2010 and 2012-13

The current Senkaku/Daioyu stand-off with Japan is only the most recent in a long succession of minor crises over the islands and their sovereignty. The background to the dispute is too complex even to summarize within this paper, but it can be fairly asserted that China's attitude to the issue has not generally been an activist one and that the central government has been willing to let the matter lie, provided that there has been no provocation from Japan to force China's hand. Neither the 2010 nor the 2012-13 incidents which are the subject of this analysis are likely to have been initiated by the central Chinese government, or by any regional or local authority. Both show China attempting to respond to a contingency forced upon it rather than managing a situation created to advance a wider agenda – although the responses have clearly been made with the wider agenda well in mind. The extreme complexity of the issue, particularly in relation to Taiwan's potential involvement, suggests that any decision making would have been (and remains) difficult and a consistent line hard to sustain.

Managing the Crises – Actions on Land

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[589] Haiwen Zhang 'Is It Safeguarding the Freedom of Navigation or Maritime Hegemony of the United States?—Comments on Raul (Pete) Pedrozo's Article on Military Activities in the EEZ' *Chinese Journal of International Law,* Vol. 9, No. 1. http://chinesejil.oxfordjournals.org/content/9/1/31.full**.** Notably, the article was stated as being completed on 31 January 2010.

[590] Ji Gouxing 'Maritime Jurisdiction and Maritime Security Cooperation in South China Sea' Paper for the International Workshop on "South China Sea: Cooperation for Regional Security and Development" sponsored by Diplomatic Academy of Vietnam in Hanoi, Vietnam 25-27 November 2009. http://www.orientalstrategy.com

The trigger in 2010 was a recalcitrant Chinese fishing vessel which was arrested by the Japanese Coast Guard in waters around the islands. That in 2012 came with the ultra-nationalist moves in Japan to make the islands an issue through their purchase from private lease holders by the Tokyo municipality as an assertion of Japanese sovereignty. The key difference in China's response between 2010 and 2012 appears to have been the extent to which the Government was prepared to exercise direct economic influence, rather than simply manage (and accept) the popular rejection of Japanese goods and Japanese culture – albeit that 'popular' in this case did extend to many state-run or state-sponsored businesses. Chinese economic measures in 2010 (as well as the arrest of Japanese nationals in China as a clear 'lawfare' gambit) did surprise Japan[591] and had the almost immediate effect of securing the release of the captain of the fishing vessel. However, there were unwelcome side effects and the instrument of economic sanctions proved remarkably blunt – a 'Fourth Warfare' even more difficult to manage than the other elements. At the time of writing, direct or indirect economic measures which required Government approval and direction, such as the suspension of rare earth exports, have not been implemented in relation to the 2012 stand-off. This may be because of greater sophistication in Chinese thinking, given the unwelcome second and third order consequences of the previous use of this tactic in 2010, such as Japan's successful steps to reduce dependence on Chinese sources[592] but it also suggests that the Government is keen to keep the situation from getting out of control

Certainly, in 2012, pressure on Japanese economic activity in China seems to have developed as much from individual and corporate responses to the crisis as from

[591] Carlyle A. Thayer, "Senkaku/Daioyu Islands Dispute," Thayer Consultancy Background Brief, September 24, 2012.http://www.scribd.com/carlthayer

[592] Alessandro Bruno' The Sino-Japanese dispute over the Senkaku Islands Highlights the Beginning of the End of China's Rare Earth's Monopoly' 19 September 2012 http://proedgewire.com

government action. Furthermore, while there may have been an element of government support for the mass protests, it is clear that elements within them were unwelcome, while the response to physical attacks on Japanese associated companies and individuals indicates that the Chinese government did not view them as helpful. The boycotts on buying Japanese goods (particularly cars) and cancellations of holiday bookings were largely the result of genuine individual and collective action.[593] The frenetic activity in social media 'cybernationalism' that has erupted at intervals also appears to be symptomatic of popular feeling, particularly amongst younger and more politically aware (although not necessarily very sophisticated) Chinese.[594] The challenge, as ever, has been for the Chinese Government to channel those feelings in directions which neither threaten the regime nor make international relations unmanageable. In this context, it is arguable that any Chinese employment of psychology and the media in a non-kinetic conflict has had to be conducted as much in relation to China's own population as it has to the adversary or the rest of the world community. This is the reason why the approach has been one of cautious encouragement of some activities and careful curtailing of others. The Government's approach was best summed up by the Vice Minister of Commerce, Jiang Zengwei, "If Chinese consumers express their views against Japan's violation of China's territorial sovereignty -- in a reasonable manner -- I think it is both understandable and within their right."[595]

What was certainly apparent in the central management of the Senkaku/Daioyu incident during 2012 was the steady employment of press statements and other

[593] Akihiro Nishiyama & Haruka Takashige 'BOJ reports impact of China spat and economic slow down' *Asahi Shimbun* 23 October 2012 http://ajw.asahi.com

[594] Rebecca Chao 'China's and Japan's Daioyu/Senkaku Islands Dispute: The iPhone 5 factor' *The Atlantic* 24 September 2012 http://www.theatlantic.com

[595] Anna Heo 'China to submit Daioyu islands nautical charts to UN, Chinese patrol ships deployed', 14 September 2012, *Arirang* http://www.arirang.co.kr

media releases by the Ministry of Defense and other agencies, as well as directing attention to favourable commentary as part of what can be described as the 'information management' component of media warfare.[596] China's government has thus been attempting to guide both domestic and international public thinking as well as simply stating its own position. The information provided has ranged from background commentary to straightforward highlighting of routine maritime surveillance activities to provide reassurance of the government's continuing vigilance and determination.[597] While much of this activity could be expected to be generated in any case by a lively and interested media, that the campaign was one coordinated at higher government levels for both internal and external audiences was confirmed by the release of a 'White Paper' in Chinese, Japanese and English entitled 'Daioyu Dao: an Inherent Territory of China' on 25 September 2012 by the State Information Council of China, laying out China's claims.[598] China immediately looked for whatever international endorsements it could find of the White Paper's claims, particularly from academics in the United States and publicised them widely through its official newsagency.[599] The White Paper immediately followed declaration of China's baselines around the islands on 10 September and its deposit of the associated material with the United Nations two days later.[600] China has also not hesitated to play the 'victim of history' card to emphasise Japan's record of rapacious imperialism before its defeat in 1945 and to label the Senkaku claim as yet another instance of Japan's failure to acknowledge

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[596] The National Institute for Defense Studies Japan *NIDS China Security Report* Tokyo, 2011. http://www.nids.go.jp

[597] For example, see the Xinhua originated 'Maritime surveillance patrols over E China Sea' *China Daily* 19 October 2012. http://www.chinadaily.com.cn This item appeared in other outlets.

[598] Wang Yuanuan 'White paper on Daioyu Dao officially released in three languages' Xinhua English News 1910 28 September 2012. http://news.xinhuanet.com

[599] Wang Yuanyuan 'White paper makes watertight case for China's Daioyu claim: scholars worldwide' Xinhua English News 2057 26 September 2012. http://news.xinhuanet.com

[600] Jaiyu Bai 'The Senkaku/Daioyu Islands: Two Perspectives on the Territorial Dispute: Part II' 18 December 2012 *Cambridge Journal of International and Comparative Law Blog* www.cjicl.org.uk

its past wrongdoing. An international approach to generating support has also been reflected in the public interventions in local media of China's diplomats overseas.[601]

It is notable, however, that recent Chinese internal statements have emphasised the complexity of maritime issues and the need to be there for the 'long haul' – describing them as an 'endurance competition'. Furthermore, while maritime sovereignty disputes have been openly acknowledged as a form of economic warfare, the requirement to consider them – and any damage which may be caused - in the context of the economy as a whole has also been asserted.[602] While all this can be considered as part of the effort to confine the overall campaign on the issue within reasonable bounds, there can be no doubt that China *does* regard the Senkaku/Daioyu issue and other maritime sovereignty claims as matters of vital national interest. In other words, restraint in this context is a matter of managing competing priorities, not aversion to asserting Chinese interests and 'rights'.

Managing the Crises through the 'Three Warfares' – Actions at Sea

China's position on the 2010 fishing boat incident was not a strong one, for two reasons. The first is that the Chinese fishing vessel involved was allegedly fishing outside the zone agreed between the two countries. The second, which became more critical after the 'unauthorized' release of video footage of the encounter between the fishing vessel and the Japanese patrol boat, was that it was quite clear that the fishing vessel had deliberately and repeatedly maneuvered to ride off the Japanese unit.[603] This was in some ways a repetition of the *Impeccable* incident, in

[601] See Duan Jielong (Consul-General for China in Sydney, Australia) 'China's claim in islands dispute based on international law' *The Australian* 5 December 2012. http://www.theaustralian.com.au

[602] Ministry of National Defense, The People's Republic of China 'Essential abilities for safeguarding maritime sovereignty' (source: *People's Daily Online)* 0724 25 October 2012. . http://eng.mod.gov.cn

[603] See 'China Japan boat collision over disputed Senkaku island' www.youtube.com This is one of a number of postings of the video material relating to the incident. It shows the fishing vessel first colliding with the stern of the patrol boat on the port side and then graunching along the patrol boat's starboard quarter. In both cases, the fishing

that the actions of those on the scene were placed under the spotlight in a way that did not reflect well on China. This lesson had earlier been learned by Japan in a 2008 incident in the Senkaku/Daioyu area which resulted in the sinking of a Taiwanese fishing vessel. Claims of aggressive maneuvering by the latter had to be abandoned by the Japanese when it became known that there was video footage available which supported Taiwan's narrative of events.[604]

This realization may have shaped the tactics of 2012 for China's maritime forces (as well as those of Japan). They can be described as demonstrations rather than interventions. While this approach has not been uncommon in the past for the PLA-N itself, the recent activities suggest that it has extended to China's civil agencies. China waited on the actual purchase of the islands by Japan's central government before dispatching maritime surveillance vessels to show a presence – and with some restraint.[605] Thus, while there were reportedly (by the Japan Coast Guard) no less than 13 Chinese government vessels in the vicinity of the islands on 21 September, all remained outside the contiguous zone (12-24 miles) off the islands.[606] Later incursions into the contiguous zone and the territorial sea itself were very limited in duration, even if China emphasized that its ships had simply been asserting China's rights.[607] The maneuvering at close range that occurred appears to have been – on both sides – with a view to creating a video record for public consumption which demonstrates at the same time the resolution and the restraint of the patrol units of the nation concerned.[608]

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vessel has clearly turned towards the patrol boat.

[604] AFP 'Japan apologises over Taiwan boat incident' 20 June 2008. http://afp.google.com

[605] Austin Ramzy 'Tensions with Japan Increase as China Sends Patrol Boats to Disputed Islands' 14 September 2012, *Time World*, http://time.world.com

[606] 'China strengthens Senkakus flotilla; Taiwan ships arrive' *Asahi Shimbun* 22 September 2012. http://ajw.asahi.com

[607] Xinhua 'China confirms ships patrolling Daioyu islands' *China Daily* 1318 25 October 2012. http://www.chinadaily.com.cn

[608] The video footage available on YouTube and other sites shows the ships of the two nations steaming similar courses at reasonable distances from each other – certainly in ways compatible with the agreed behaviours in

The flight of a maritime surveillance aircraft into Japan's claimed airspace on 12 December (something alleged by the Japanese to be the first such airspace 'violation' since 'at least 1958'[609]) may well indicate a further step in the Chinese campaign, with further flights continuing at intervals in December and into the new year, although not all actually entered Japanese claimed airspace.[610] Ominously, by mid-January, fighter aircraft were being deployed to demonstrate Chinese presence within the Japanese Air Defense Identification Zone (ADIZ), albeit still not within claimed national airspace.[611] On the sea itself, the demonstration of Chinese resolve that followed the election of the new Japanese government in December appeared to follow the much same pattern as previous operations, with an important change being that the Chinese agencies' ships were willing to spend more time within the disputed zones – a four ship, 13 hour incursion on 8 January being alleged by the Japanese to be the longest yet.[612]

To be fair, China itself does not have a record of aggressive seaborne action in relation to the Senkaku/Daioyu dispute, particularly when compared with the much more activist role played by Taiwanese maritime security units in 2008 and 2011. The Navy was nevertheless employed to send very pointed messages in 2012. In September, units began to operate in the vicinity of the islands in what China described, in response to Japanese objections, as being 'legitimate for Chinese naval ships to carry out patrolling and training for military readiness in waters

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Incidents at Sea Agreements extant between nations such as the USA and Russia.

[609] Mure Dickie 'China flies aircraft over disputed islands' *The Financial Times* 13 December 2012. http://www.ft.com

[610] ANI 'Chinese aircraft over disputed Senkaku islands provokes Japan' 7 January 2013 *ZeeNews* http://zeenews.india.com

[611] 'Tensions over the Senkaku/Daioyu feed the winds of war between Tokyo and Beijing' 12 January 2013 *AsiaNews.It* http://www.asianews.it/news-en

[612] Associated Press 'Chinese ships circle near Senkaku islands, Japan protests violation' 8 January 2013 *Niti Central* http://www.niticentral.com

under Chinese jurisdiction'.[613] Equally significant was the emphasis placed in the statement on the Navy's role to support the maritime security agencies in their work. On 19 October, the PLA-N staged an exercise in an unknown area of the East China Sea which involved eleven surface units from the Navy and civilian maritime agencies, as well as aircraft.[614] The official statement noted that 'The drill included simulations of illegal entry, obstruction, harassment and intentional interference by foreign vessels when Chinese ships of the fishery administration and marine surveillance agency patrolled. The exercise was aimed at improving coordination between the navy and administrative patrol vessels, as well as sharpening their response to emergencies in order to safeguard China's territorial sovereignty and maritime interests'.[615]

The inference from this activity is that China intends to maintain the moral high ground in any encounter at sea. Direct intervention is likely only to be attempted if the Japanese attempt any significant civilian fishing or other resource exploitation effort and such intervention would be directed towards the civilian craft concerned using minimum force within a regime of law enforcement. The onus would then be placed on the Japanese Coast Guard to respond in the hope that such response would either be ineffective or disproportional – or both. Only in the circumstances in which China can point to an obviously aggressive and violent act on the part of Japanese units will the PLA-N or Air Force act in their own right.

Conclusion

[613] Ministry of National Defense, The People's Republic of China 'Chinese Defense Ministry confirms naval patrols near Daioyu islands' 0645 28 September 2012 . http://eng.mod.gov.cn

[614] Peter Symonds 'Confrontation between China and Japan. Naval Deployments in East China Sea' 24 October 2012, *Global Research*, Center for Research on Globalization http://www.globalresearch.ca

[615] Ministry of National Defense, The People's Republic of China 'China conducts exercise in East China Sea' 0742 20 October 2012. http://eng.mod.gov.cn

The competing claims of maritime sovereignty that resulted in the *Impeccable* affair and the Senkaku/Daioyu conflict remain open questions. How each works out in the future is likely to depend upon much wider issues of the international scene. For example, the immediate course of the Senkaku/Daioyu stand-off is likely to depend much more upon Japan's handling of the situation than China's. Nevertheless, China will continue to maintain pressure, to strengthen its own case and to undermine Japan's and the means employed will be both direct and indirect – with the 'Three Warfares' playing their part.

While any analysis is subject to the limitations of being made *in medias res*, some judgments can be formed in relation to the use of the 'Three Warfares' in maritime situations. The first is that China will continue to exploit non-kinetic tools in the maritime domain to protect and advance its interests – such mechanisms having clear utility for both the long term and in the management of any particular contingency. These non-kinetic tools will be the instruments of first resort where serious adverse consequences are likely to result from military action by China. This means that both the United States and Japan in particular must be ready to manage and respond to the 'Three Warfares'. Japan may have already started that response.[616]

The second is that the sophistication and coordination of such exploitation in maritime matters will continue to develop, both at sea and on land. China has accumulated considerable experience in the management of maritime incidents and is not only prepared to play the 'long game' but is clearly achieving a slow but steady integration between the PLA-N and the maritime agencies concerned which will provide many options for future responses – or provocations. In future contingencies, it is likely that the maritime security agencies will remain on the

[616] See 'Senkaku islands dispute with China playing out as a PR battle' *Japan Times* 9 October 2012, http://www.japantimes.co.jp

‘front line’ of encounters, while an increasingly capable and confident PLA-N operates as a highly visible supporting force, conveying the message at all times of its readiness to intervene if required.

As to activities on the shore, it is only a few years since the People’s Liberation Army has systematically adopted a much more activist approach to the management of public affairs and its skills appear to be increasing apace. This development will continue and it is likely to become both more pervasive and more accurately targeted to reach within the Chinese community and out to key opinion makers in other nations. A similar approach is evident amongst China’s other maritime agencies and, whilst an element of internal competition clearly remains, the fact is that there are indications from the 2012-13 Senkaku/Daioyu experience of much greater coordination of the ‘message’ which extends to other Government ministries. It is arguable that this coordination extends also to the wider Chinese academic community. There are certainly voices of moderation, but the overall unity of thinking is notable on China’s position, both in general for the Law of the Sea and in particular in relation to maritime sovereignty claims.

Perhaps the greatest advantage of the ‘Three Warfares’ concept for China is not so much that it provides new tools for managing conflict – in fact all three elements arguably represent the customary practices of many nation states in the past. Rather, the ‘Three Warfares’ provide a framework for that management, a ‘play book’ which, when properly thought through and practiced, provides a large and complex national government with options that can be both rapidly and coherently employed with some confidence that there will be few and limited unintended consequences.

5.

FIRING FIRST EFFECTIVELY:

LESSONS THE CHINESE HAVE DRAWN FROM THE WAY THE US ENTERS CONFLICT THAT INFORMS THEIR USE OF THE THREE WARFARES

MR. TIMOTHY WALTON

I. INTRODUCTION

Over the past two decades, the PLA's organizational structure, training, and equipment have dramatically improved. Less visible—but equally important—have been improvements in coordinated force enabling concepts which seek to maximize the effectiveness of the PLA's threat or use of force. Notable among these concepts is Three Warfares.

In 2003, the Chinese Communist Party (CCP) Central Committee and the Central Military Commission (CMC) approved the concept of Three Warfares (*san zhong zhanfa*; □□□□), a People's Liberation Army (PLA) information warfare concept aimed at preconditioning key areas of competition in its favor.[617] PLA terminology

[617] I wish to acknowledge the support received from key individuals over the course of this project. Those listed below greatly assisted the project by swiftly and graciously providing referrals, insight, advice, notes, and

identifies it primarily as a campaign method with secondary, mostly strategic (but also tactical) applications.[618] As defined by the US Department of Defense in its 2011 Annual Report to Congress on Military and Security Developments Involving the People's Republic of China, Three Warfares consists of psychological warfare, media warfare, and legal warfare. As both a guiding paradigm and operational method, Three Warfares targets the capabilities and interests of perceived adversaries during peace and conflict.

Despite official US recognition of the Three Warfares concept, efforts to understand its nature have been limited. America's practice of simultaneously hedging and engaging China sends mixed messages to US government institutions, and has perhaps dissuaded them from a clear-eyed assessment of Three Warfares and the creation of adequate response options. Additionally, the multifaceted nature of the challenge presents the US government with the problem of responsibility, which could promote "buck passing" among the Services, Pacific Command, the Office of the Secretary of Defense, and the National Security Council; alternatively, institutions could do nothing, while waiting for a comprehensive whole of government response.

Imperative to properly framing the genesis of the concept and current and envisioned operations involving Three Warfares requires analyzing the not only

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previously-prepared analytical products. In particular, I would like to thank Benjamin Armstrong, George Capen, Scott Cullinane, Peter Dutton, Stefan Halper, Bryan McGrath, and a reviewer who wishes to remain anonymous. Additionally, it is important to note that this work is informed by and at times draws from research and analysis conducted for an official US Navy study on "China's Three Warfares and Potential US Responses" that I co-authored. The title of this piece is inspired by one of the axioms of naval warfare in Wayne Hughe's seminal work Fleet Tactics.

[618] A more direct translation of the concept into English is "three types of stratagems" or "three types of campaign methods". Nonetheless, Three Warfares has become the popular term.

classical Chinese and modern Communist Chinese inspiration for the concept but also factors the PLA has drawn from the US Specifically, it is essential to study how US information warfare doctrine and practice and the way the US enters conflict has informed the development of the concept and current and envisioned means of employing it. The United States should consider nuanced yet deliberate action to counter Three Warfares and promote US capabilities and interests in the psychological, media, and legal fronts. This paper seeks to address a small section of that broader question.

II. THREE WARFARES AS POLITICAL WORK AND INFORMATION WARFARE

Three Warfares is exercised by the PLA General Political Department. In order to properly frame the organization of Three Warfares activities (and their commensurate intellectual formation), one must understand PLA organization. Command and control of the PLA is exercised by the State Central Military Commission. The 11 person commission is headed by the Chairman of the Central Military Commission (also General Secretary of the CPC), and President of the People's Republic of China. The Commission holds three Vice Chairmen, the Minister of National Defense, the Chief of General Staff of the PLA, the Commander of the PLA Navy, the Commander of the PLA Air Force, the Commander of the Second Artillery, and the directors of the four General Headquarters (General Staff Department, General Political Department, General Logistic Department, and General Armament Department).

The General Political Department is the PLA’s chief political organ, responsible for guiding military political work in the PLA. In contrast to other Communist

militaries such as the former Soviet Union, the PLA General Political Department has a much higher degree of actual authority, which it exercises through the actions of political work forces across all ranks in peacetime and wartime.[619]

Military political work (*jundui zhengzhi gongzuo*; □□□□□□) in the PLA refers to "the PLA's efforts and activities aimed at managing its human capital and influencing the civilian environment in which it operates in order to achieve the political and military objectives accorded to it by the Chinese Communist Party (CCP). The missions of PLA political work can be political, administrative, or operational in nature." The authoritative The Science of Military Strategy, written in 2001, predates Three Warfares but still informs it:

"Wartime political work refers to the ideological and organizational work undertaken by the armed forces while performing combat tasks. Strategic psychological warfare [is] activities […] to undermine the morale of both the enemy troops and its civilians or to eliminate the consequences of the enemy's deceptive propaganda, and it is a component part of wartime political work."[620] In short, political work is an integral aspect of the PLA's composition and Three Warfares activities are expected to play a key role in the threat or use of force.

Three Warfares is the leading operational component of political work. The PLA's operational hierarchy of combat consists of three major levels: "war (*zhanzheng*; □

[619] OSC, CPP20070320715040. Kanwa: 'Three War' Theory, Role of PLA Political Commissars Toronto Kanwa Intelligence Review (Internet) in English, 20 March 2007. (UNCLASSIFIED // FOUO)
[620] Edited by Peng Guangqian and Yao Youzhi. The Science of Military Strategy, Beijing: Military Science Publishing House, 2005, p. 362.

□); campaigns (*zhanyi*; □□); and battles (*zhandou*; □□), each of which is informed, respectively, by a distinct level of operational guidance—namely strategy (*zhanlue*, □□); campaign methods (*zhanyi fangfa*; □□□□; usually contracted as *zhanfa*; □□) and tactics (*zhanshu*; □□)."[621] Under this categorization, Three Warfares can be identified primarily as a campaign method with secondary, mostly strategic but also tactical, applications. The PLA's military political work operational guidance document Political Work Regulations stipulates that it is "a reinforcement of political work in terms of media warfare, psychological warfare, and legal warfare."[622] Institutionally within the PLA, Three Warfares provides the General Political Department with a means of involving its forces in warfighting operational capabilities (in the same way the military, logistics, and armaments forces are warfighters). This concept thus magnifies the value of the General Political Department in areas other than protection of the Communist Party.

PLA Information Warfare

Information warfare has assumed a central role in Chinese military writings over the past two decades. Information warfare, and follow-on affiliated concepts such as Three Warfares, are informed, in part, by China's long and proud tradition of "information warfare". Tales using psychological, media, and legal stratagems abound in classical texts such as The Art of War and to a greater degree Romance of the Three Kingdoms. Chinese history also records the use of such stratagems, and the PLA points to its successes in the 20th Century from such stratagems.[623]

[621] James Mulvenon, China's Revolution in Doctrinal Affairs, (Alexandria: CNA Corporation, 2005), 22.
[622] David W.F. Huang. "China's Triple Warfare and Cross-Strait Economic Interactions", Mainland Affairs Council, Taiwan, 5 May 2007, http://www.docstoc.com/docs/654256/Chinas-Triple-Warfare-And-Cross-Strait-Economic-Interactions.
[623] □□□ [Feng Aibin] and □□□ [Hao Weixue]. □□□ 100 □:□□□□□□ [100 Cases of Ancient Psychological Warfare], Beijing: □□□□□□ [PLA Publishing House], 2004.

Furthermore, Chinese authors have borrowed heavily from (and even outright plagiarized) open literature and security debates within the United States on the subject of information operations. These lessons and doctrine from the US have informed not only information warfare works but Three Warfares itself. As detailed by James Mulvenon, in the mythology of PLA information warfare study, Shen Weiguang, a soldier in a field unit, began writing about information warfare in 1985, publishing a book entitled Information Warfare that was later excerpted as an article in People's Liberation Army Daily.[624] Development of Chinese information warfare greatly increased, though, in the aftermath of the First Gulf War.

PLA observers contend that information warfare played a key role in the US victory over Iraq. Following the conflict, the PLA translated US Army Field Manual 100-6, "Information Operations", and US Joint Publication 3-13.1, "Joint Doctrine for Command and Control Warfare", along with other documents and articles. Inspired by US information warfare writings, PLA authors, including Major General Wang Pufeng—recognized as the "father" of Chinese information warfare—crafted their own articles and concepts; many of these were either derivative of US works or outright plagiarized them.[625]

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[624] James Mulvenon. "The PLA and Information Warfare", http://indianstrategicknowledgeonline.com/web/The%20PLA%20and%20Information%20Warfare.pdf.
Shen Weiguang, "Focus of Contemporary World Military Revolution—Introduction to Information Warfare," *Jiefangjun bao*, November 7, 1995, p. 6.

[625] James Mulvenon. "The PLA and Information Warfare", http://indianstrategicknowledgeonline.com/web/The%20PLA%20and%20Information%20Warfare.pdf.

Throughout the 1990s and 2000s, US operational successes in conducting information operations encouraged Chinese analysis of the subject and promoted bureaucratic reorganization to operate under informationized conditions. The development of Three Warfares by the General Political Department can be understood within this context.

PLA authors appreciate the centrality of information as a tool of statecraft and military power, and achieving information superiority is seen as a precondition for achieving and maintaining battlefield supremacy. Consequently, information warfare "greatly emphasizes the concept of 'gaining mastery by striking first'."[626] This trend in writings was identified in the early 1990s during which Chinese analyzes suggested Iraq's failure to launch a preemptive attack on Saudi Arabia after taking Kuwait resulted in its defeat.[627] Over the past decade, influential Chinese writings have suggested that successful information operations require striking first either electronically or kinetically. One PLA journal article emphatically states: "only by seizing the opportunity and gaining the initiative" would it be possible to "create preconceptions in the enemy" regarding operational strategic conditions that can be exploited as part of deterrence, compellance, or warfighting.[628] Three Warfares is consistent with this information warfare logic. Much of its literature conceives of it as a peacetime and wartime information warfare first-strike aimed at protecting the PLA's forces and the rest of the nation from adversary activities and maximizing the effects of the threat or use of military force.

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[626] Roger Cliff, Entering the Dragon's Lair, (Santa Monica: Rand Corp., 2007), 64.
[627] Lu Linzhi, "Preemptive Strikes Crucial in Limited High-Tech Wars," *Jiefangjun bao*, February 14, 1996, p. 6.
[628] OSC, CPP20071001436002, PRC: PLA Journal on "Public Opinion Warfare," Its Characteristics, 1 June 2007. (UNCLASSIFIED // FOUO)

Despite significant similarities with US information warfare theory and practice, Three Warfares is only partially modeled on the US information warfare approach. Instead, Three Warfares represents a new development in the effort to more fully utilize information age factors to precondition and influence tactical, operational, and strategic situations. Contrasting Three Warfares with US information warfare theory is illustrative.

The placement of Three Warfares under the rubric of political work allows authorities to explicitly target their own forces and domestic population to ensure the success of the Communist Party. In contrast, the US Department of Defense "Joint Doctrine for Information Operations" explicitly prohibits the use of information operations or information warfare against US citizens.[629]

More importantly, the PLA views Three Warfares as a more comprehensive concept than US information operations; the PLA explicitly places a greater emphasis on the value of political work in modern warfare, and conducts it at all levels of warfare. The US, in contrast, uses the term "information operations" during peacetime and reserves the term "information warfare" exclusively for times of conflict.[630] Accordingly, the scope of US information operations in peacetime (including Phase 0 shaping operations) is limited in a way not apparent in PLA writings.

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[629] US Department of Defense, Joint Doctrine for Information Operations, 9 October 1998, URL: http://www.dtic.mil/doctrine/jel/new_pubs/jp3_13.pdf (21 February 2003), p. I-9.

[630] US Department of Defense, Joint Doctrine for Information Operations, 9 October 1998, URL: http://www.dtic.mil/doctrine/jel/new_pubs/jp3_13.pdf (21 February 2003), p. I-9.

Authoritative PLA sources contend that psychological warfare and Three Warfares more broadly must be applied continuously (including during peacetime) in the modern era.[631] Chinese writings on mobilization emphasize how the level and quality of war readiness, to a large degree, determine the outcome of war, and the line between peacetime and wartime national defense mobilization is increasingly blurred in the modern era.[632] Hence, Three Warfares is employed as a guiding concept before, during, and after a conflict. Nonetheless, the authoritative PLA political work textbook Introduction to High-Ranking Organ Work does distinguish between the functions for organizing and leading peacetime political work and those for organizing and commanding wartime political work.[633]

Demand for Three Warfares

Changing domestic, international, technological, and operational environments have promoted the development of Three Warfares. In the era of Media Warfare, for example, there has been a continuing interest in public opinion warfare. The advent of the Information Age, however, has broadened the scope of available targets and the means by which to reach them.[634] Among other changes, changes in social media provide the PLA with novel avenues of attack and, likewise, expose it to greater potential of attack.[635] In keeping with earlier Chinese efforts, Three

[631] Edited by Peng Guangqian and Yao Youzhi. The Science of Military Strategy, Beijing: Military Science Publishing House, 2005, p. 375.
[632] OSC, CPP20111028563003. "Accelerate Transformation Of National Defense Mobilization Capability Generation Model Surrounding Demands Of Information System-Based System-Of-Systems Operations.", China: Mobilization Capability Under Info Conditions, National Defense Magazine (Guofang), 28 October 2011. (FOUO // UNCLASSIFIED)
[633] Edited by □□□ [Yuan Wenxian] and □□□ [Sun Ruling], et al., □□□□□□□□□□ [Introduction to High-Ranking Organ Work] {gaoji linshuai jiguan gongzuo gailun}, Beijing: National Defense University Press (August 2005), 34.
[634] Dean Cheng. Testimony Before the US-China Economic and Security Review Commission: China's Active Defense Strategy and Its Regional Impact, 27 January 2011.
[635] Edited by Maryanne Kivlehan-Wise and Catherine Welch. "China's New Media Milieu: Commercialization, Continuity, and Reform", Center for Naval Analyzes, IPR 14023, October 2010,

Warfares attempts to mobilize information flows allowing the PLA to frame, crystallize, and focus public opinion.

More broadly, books such as the authoritative Lectures on Joint Operations Command Organ Work (and others like it) describe war under informationized conditions as a process in which conflict is refocused from assessing effective killing strength and acquiring territory to the psychology of awe (*zhenshe xinli*; □□□□), the psychology of striking (*daji xinli*; □□□□), and the seizure of will (*duoqu yizhi*; □□□□).[636] The CMC expects the Three Warfares to assume a more prominent status and conduct functions beyond the scope of simple military strikes. It is further expected Three Warfares activities will contribute to an even tighter combination of war, campaign goals, and political objectives. Artfully executed in conjunction with other military actions, they could reduce the duration of conflicts by influencing adversaries through psychological, media, and legal means before and during conflict. In doing so, some authoritative texts contend Three Warfares actions can decrease the cost-benefit ratio of war in a favorable manner by making the use of force more effective, precise, and shorter in duration.[637] This perceived trend is consistent with PLA confidence in the ability to effectively wage war to achieve limited political aims.

III. LESSONS THE CHINESE HAVE TAKEN FROM WAYS THE US ENTERS CONFLICT

http://www.cna.org/sites/default/files/Chinas%20New%20Media%20Milieu%20IPR%2014023.pdf.

[636] Edited by □□□ [Yuan Wenxian], □□□□□□□□□□□□ [Lectures on Joint Operations Command Organ Work] {*lianhe zuozhan zhihui jiguan gongzuo jiaocheng*}, Beijing: National Defense University Press (March 2008), 199.

[637] Ibid, 185.

Chinese Approach to Strategic Calculus and Conflict Initiation

In order to properly assess the lessons Chinese have taken from the ways the US enters conflict and specifically how US strategy and tactics has and may affect the use of Three Warfares operations, it is essential to first examine how the Chinese have approached important strategic decisions and initiated conflict. Such an examination provides a baseline extending over a half century.

Since 1949 China has engaged in twenty-three territorial disputes. Spurred in different situations by the combination of a desire to quell domestic tensions related to its bordering states and by other strategic factors, China has offered substantial compromises in seventeen of them. [638] In six disputes, it has never offered to compromise and has, instead, consistently adopted delaying strategies. Three of these disputes are maritime: over the Paracel, Spratly, and Senkaku offshore island groups.[639] Although it has held limited talks with individual states over the Spratlys, these talks have not evaluated issues of sovereignty, instead examining issues of escalation control. In particular, in November 2002, China signed a declaration with ASEAN states on a code of conduct concerning the South China Sea, but the agreement focused on broad confidence-building measures, not sovereignty and dispute settlement.

In some of these disputes, China has utilized force or the threat of the use of force to influence outcomes. The Chinese term equated with deterrence is (*weishe*; □□), which embodies both deterrence and compellance. The PLA Encyclopedia defines

[638] M. Taylor Fravel. "Regime Insecurity and International Cooperation: Explaining China's Compromises in Territorial Disputes", International Security , Vol. 30, No. 2 (Autumn, 2005), pp. 46-83.

[639] In only one offshore dispute has China offered to compromise. In 1957 China transferred White Dragon Tail Island in the Tonkin Gulf to North Vietnam. Newly available sources identified by Taylor Fravel indicate that "Chairman Mao Zedong ordered this compromise to aid Hanoi in its conflict with the United States."

a strategy of deterrence, (*weishe zhanlue*; □□□□), as "the display of military power, or the threat of use of military power, in order to compel an opponent to submit."[640] Strategic deterrence, (*zhanlue weishe;* □□□□), involves all the components of Comprehensive National Power (CNP).[641] These factors are partially encompassed under the rubric of Three Warfares activities.

A review of literature on Chinese strategic calculus and conflict initiation reveals a relatively consistent sequence of events. Sinologist Steve Chan has argued there are five general phases: (1) probing, (2) warning, (3) demonstration, (4) attack, and (5) detente.[642] In the Korean, Quemoy, Vietnam, Sino-Indian, Sino-Soviet incidents, Chinese national security activities exhibited marked transition periods in a pattern of gradual conflict escalation. "Temporary lulls in propaganda and military activities tend to intervene at the transition periods between these phases."[643] Additionally, China has usually exhibited specificity in marking targets for demonstration or probing actions. They have usually selected sites where they command local military superiority and where they enjoy a relatively higher level of legal support in their claim. For example, in the Sino-Indian and Sino-Soviet cases where conflicting border claims erupted into clashes, China conducted aggression in the limited geographical segments of the broader disputes where it exhibited a stronger legal position.

Examining escalation preceding the Sino-Indian border disputes provides insight into Chinese conflict calculus and deterrence dynamics. In 1962, Chinese

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[640] PLA Encyclopedia Committee, Chinese Military Encyclopedia, Supplemental Volume (Beijing: Military Science Publishing House, 2002), 477.
[641] Dean Cheng. "Chinese Views on Deterrence", Joint Forces Quarterly, Issue 60: 1st Quarter 2011, http://ndupress.ndu.edu/lib/images/jfq-60/JFQ60_92-94_Cheng.pdf.
[642] Steve Chan. "Chinese Conflict Calculus and Behavior: Assessment from a Perspective of Conflict Management", World Politics, Vol. 30, No. 3 (Apr., 1978), pp. 391-410.
[643] Ibid

decision-makers initiated conflict against Indian forces. This decision followed the 1959 Tibetan Uprising in which Chinese fears regarding a resurgent Indian role in Tibet arose, the failure of China to secure a border settlement of Aksai Chin and the North East Frontier Agency, and India's Forward Policy. Highly confident in their superior localized correlation of forces, the Chinese ratcheted up pressure, thinking that increasing the threat of force along the border would "eventually compel the Indians to come to the negotiating table. Ironically, sensitivities in Delhi about the potential consequences of looking weak made this outcome increasingly unlikely with every loss."[644] Oriana Skylar Mastro summarizes the situation as follows:

> "The country which has less room to escalate, in this case India, is likely to see a greater risk in showing an eagerness to talk, and therefore not offer talks. Chinese offers to talk were seen as ploys to weaken India's position and TO probe (SIC) resolve, not genuine attempts to resolve differences through peaceful negotiations. The country with more room to escalate, in this case China, believes that escalation will allow it to achieve its objectives effectively. In short, though both countries believed a willingness to talk would signal weakness, Delhi was more concerned than Beijing about the consequences of perceived weak resolve because it was militarily inferior."[645]

This legacy might bode ill for China's neighboring states as the balance of forces shifts in China's favor. On the other hand, not all of the PLA's military operations

[644] Oriana Skylar Mastro. "The Great Divide: Chinese and Indian Views on Negotiations, 1959-62", Journal of Defense Studies, 2012, Vol-6, Issue-4.pp- 71-108.
[645] Oriana Skylar Mastro. "The Great Divide: Chinese and Indian Views on Negotiations, 1959-62", Journal of Defense Studies, 2012, Vol-6, Issue-4.pp- 71-108.

against neighboring states in conflict disputes followed a methodical process of escalation. In contrast, in the Battle of the Paracel Islands in 1974, Chinese forces aimed for a swift and decisive victory over Vietnam on the basis of tactical surprise and overwhelming military superiority. This opportunistic example of Chinese action also bodes ill for stability in the region.

Examining US Conflicts

Chinese military experience extends from guerrilla warfare to large-scale campaigns and confrontation with foreign armed forces. Actions include conflict against Republic of China forces in the early 1950s, the Korean War of 1950-53, the Sino-Indian border war of 1962, the Sino-Soviet border skirmishes of 1969, "Volunteer" participation in the Vietnam War, the Sino-Vietnamese naval battles of 1974, the Sino-Vietnamese border war of 1979, and naval skirmishes with Vietnam in 1988 and with the Philippines in 1994 over the Spratly Islands.[646] Nonetheless, the PLA has not engaged in major conflict since 1979.

Consequently, its analysis of foreign conflicts deeply informs its understanding of changing trends in warfare. The ways the US enters conflict has significantly impacted PLA thinking due to not only the relative importance of US military activities in world affairs but also due to the high level of successful informationization in US operations. Chinese observers have sought to learn from the successes and failures of how the US has initiated and conducted conflict. Most importantly, Chinese observers have sought to prepare the country for countering potential US deterrence or warfighting actions.[647]

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[646] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011.

[647] Evaluation of the following instances in which the US enters conflict will proceed in a historical basis. However, it should be noted that much of the analysis of US conflict initiation took place after other conflicts had already taken place. For instance, serious treatment of Operation Urgent Fury didn't take place until the latter half

Operation Urgent Fury in 1983

Chinese observers note that the US invasion of Grenada was greeted with international opprobrium, including condemnation by the United Nations (UN) General Assembly.[648] Despite US efforts after the fact to describe its reasons for dispatching forces to the island, the US had not generated support from the international legal community or global media. Chinese observers recognized the importance of actively shaping international perceptions by framing the global discourse early on and by and obtaining support through international organizations such as the UN.

First Gulf War of 1991

The influence of the First Gulf War on Chinese military thinking has been widely examined by scholars.[649] The PLA has noted, in particular, American success in crafting an international coalition with wide international support and the high degree of informationization of operations. In addition, Chinese (and other foreign) theorists bemoan Iraq's strategic passivity in failing to attack Saudi Arabia after invading Iraq. Strategically, perhaps the greatest lesson for Chinese planners is not to allow the US to amass forces. Instead, strike pre-emptively to achieve

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of the 1990s (after the First Gulf War). Furthermore, this examination is not exhaustive. For example, the August 1998 bombings of Afghanistan and Sudan (codenamed Operation Infinite Reach by the United States) are not analyzed, nor is the establishment of No-Fly Zones following the First Gulf War of 1991 and Operation Desert Fox in 1998. Additionally, the 1993 peacekeeping mission in Somalia and the consequent perceived US "casualty wariness" lessons is not analyzed. [Qiao Liang and Wang Xiangsui, *Unrestricted Warfare*, translated by Foreign Broadcast Information Service (Beijing, China: PLA Literature and Arts Publishing House, February 1999), URL: http://www.terrorism.com/documents/unrestricted.pdf (21 February 2003), p. 221.] The US response to the 9/11 Terrorist Attacks and subsequent invasion of Afghanistan is also not analyzed. Lastly, it is very important to note that Chinese authors examine other foreign military operations and draw lessons specifically for Three Warfares. The Falklands War of 1982, which involved an amphibious operation, in particular is studied by Chinese authors due to its potential similarities for a Taiwan contingency.

[648] OSC, CPP20100903658001. Excerpt of book by Cong Wensheng "Analysis of 100 Cases of Legal Warfare" [faluzhan yibaili jingdian anli pingxi], PLA Press [Jiefangjun Chubanshe], 2004. (FOUO // UNCLASSIFIED)

[649] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 14-15.

limited political aims. The development of 'Anti-Strategic Counter-Attack on Exterior Lines' (ASCEL) or 'Anti-Access/Area Denial' (A2/AD) capabilities is a result of this conclusion. As will be explored in the following section, there are also lessons for legal warfare which inform China's approach to creating the international "legal justification" for a first strike. A lesser examined yet potentially relevant case study is found in authoritative PLA texts which laud the effective, law-based (UN Security Council Resolution 665) blockade of Iraq conducted by Coalition Forces.[650]

From an organization standpoint, a PLA text on joint campaign headquarters development and activities emphasizes the development and rigorous testing of pre-planned responses and Contingency Plans (CONPLANs) in responding to emergency situations.[651] The text points to the role of US Central Command's July 1990 "Internal Observation 90" exercise that tested a CONPLAN. Due to the exercise, an action plan for the Desert Shield operation was formulated in only two days.

In another work, an influential PLA senior colonel, refers to US actions immediately after Iraq's invasion of Kuwait. He observed that if a government can carry out effective crisis management during an "emergency operation" [period of escalation] it can "not only gain the political initiative to prevent the situation from becoming worse, but can also gain sufficient time to prepare for a future emergency operation."[652]

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[650] OSC, CPP20100903658001. Excerpt of book by Cong Wensheng "Analysis of 100 Cases of Legal Warfare" [faluzhan yibaili jingdian anli pingxi], PLA Press [Jiefangjun Chubanshe], 2004. (FOUO // UNCLASSIFIED)

[651] Ed. Yuan Wenxian. PRC: Theory of Headquarters Work, CPP20050922320001 Beijing Theory of Headquarters Work in Chinese June 2001 p. 212-232,361-483 (UNCLAS//FOUO)

[652] "China: Recent Experience and Lessons Learned From Worldwide Local Wars and Emergency Operations", CPP20120928440005, Department of Defense in English, 6 September 2012. (UNCLAS//FOUO)

NATO Bombing of Yugoslavia (Operation Allied Force) in 1999

Analyzing the lessons of Operation Allied Force, Chinese commentators note the usual refrain that NATO actions lacked UN Security Council approval. This criticism was motivated by the traditional (and convenient) Chinese call for UN Security Council approval of military interventions but also because China feared setting a precedent for the intervention in the domestic affairs of sovereign states that could be applied to China with regard to such areas as Taiwan, Tibet, and Xinjiang. At the operational and tactical levels, Chinese observers both praise the efficacy of airpower and note the effectiveness of Serbian passive protection measures (in particular camouflage, concealment, and deception).[653] Commentators also note how media reportage increasingly influenced tactical decisions on the battlefield. For example, target planners were quickly ordered to cease using cluster bombs after Milosevic's press staff persuaded CNN to run a segment on what it termed a terror weapon.[654]

Second Gulf War of 2003

The Second Gulf War is both criticized and praised by Chinese thinkers relevant to Three Warfares. Dean Cheng's trenchant analysis of Chinese perceptions and lessons learned from the conflict provides a useful guide to the subject.[655] Legally, Chinese hold that the US invasion of Iraq was a blatant violation of "international

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[653] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 36.
[654] Benjamin S. Lambeth, NATO's Air War for Kosovo: A Strategic and Operational Assessment. Santa Monica, CA: RAND, 2001, 60.
[655] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 14-15.

rules and norms;" they claim it is another example of sidestepping the UN to pursue US self-interests. Furthermore, Chinese note the perceived negative impact on US prestige, soft power, and fiscal health.[656]

On the positive side, Chinese characterize the US "shock and awe" campaign as the United States pushing its military superiority "to a new height".[657] To prepare the battlefield, according to PLA analysts, the Second Gulf War saw psychological operations conducted at an "unprecedented scale and intensity, from the tactical to the strategic level, and engaging a range of both military and nonmilitary measures."

Media warfare helped set the narrative long before March 2003 that Iraq possessed weapons of mass destruction and posed a threat to world peace. An Office of Global Communications was established in the White House to plan, coordinate, and manage news and information. "This office helped create a public opinion and propaganda plan, based on, and in coordination with, the evolving war plans."[658] The use of official spokesman and provision of talking points and later during the conflict the "embedding" of domestic and foreign journalists with US forces assisted the US in setting the dominant discourse in international media. Within Iraq, the US deployed a number of assets to influence Iraqi military and public opinion. These ranged from EC-130E airborne television and broadcasting aircraft to leaflet drops, to control of Iraqi communications and broadcasting infrastructure (as opposed to destroying it as was done in Operation Allied Force).

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[656] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 14-15.
[657] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 15.
[658] Ed. Andrew Scobell, David Lai, and Roy Kamphausen. Chinese Lessons from Other Peoples' Wars, Strategic Studies Institute Book, November 2011, 84.

As conflict drew near, allied psychological warfare efforts (coupled with legal and media warfare activities) worked to undermine the will of the Iraqi military, population, and leadership through directly contacting Iraqi officers to encourage them to surrender, defect, or not operate at full effectiveness or threaten them with war crimes trials if they used Weapons of Mass Destruction (also a form of legal warfare).

The Second Gulf War confirmed for Chinese analysts three main theories. First, psychological warfare activities could play a key role in preconditioning the battlefield and influencing tactical and operational outcomes. As will be covered later, this underscored the importance of the General Political Department forces being able to do the same to potential adversaries, in particular Taiwan. Second, the war confirmed the importance of media warfare. Efforts by China to counter the West's perceived "media hegemony" are commensurate with this lesson. Third, as in the First Gulf War, PLA strategists again confirmed that an adversary of the US must not allow the US to amass and generate combat power near its borders. This has given impetus to anti-access strategies and confirms the military importance of an effective pre-emptive strike early in the escalation of hostilities.

IV. THREE WARFARES ACTIONS

Psychological Warfare

Psychological warfare activities envision whole of government military, political, economic, and diplomatic components. Furthermore, a Chinese Academy of Military Sciences book on information warfare divides psychological warfare into

political psychological warfare, economic psychological warfare, diplomatic psychological warfare, and cultural psychological warfare.[659]

Beyond the scope of traditional strategic communications or force signaling, the new Psychological Warfare appears to aim for a high degree of precision in targeting critical nodes (*guanjie;* □□) to achieve nonlinear effects. Specifically, the enemy's motivation and willingness to wage war could be targeted, by eliminating opposing leadership, diminishing international support, undercutting military capabilities, affecting the economy, or sowing domestic political dissent.

Cyber operations, such as the dissemination of cyber propaganda and computer network attack, clearly align with informationized operations oriented to strike first, such as those called for by Three Warfares. In peacetime, the penetration of adversary networks would be instrumental in gathering detailed information on adversary forces in order to tailor psychological, media, and even legal warfare operations. For example, with respect to legal warfare, accessing the preparatory materials of opposing delegations at legal forums will provide PRC negotiators an advantage. In wartime, political warfare units could send specific, customized messages to individuals in decision-making positions in order to deceive them, increase their psychological stress, or seek their defection. Such operations would likely be coordinated with, or conducted in conjunction with, the General Staff 3rd and 4th Departments and other military commands. Furthermore, cyber operations grant the PLA the ability to conduct significant psychological strike against previously relatively inaccessible US forces and populations in the continental US

[659] OSC, CPP20101027670001. PRC Book Excerpt: "Information Confrontation Theory" Chapter 1 "Information Confrontation Theory" [Xinxi Duikang Lun] in Chinese, 1 May 2007 [Excerpt of book edited by Wang Zhengde: "Information Confrontation Theory" [Xinxi Duikang Lun], published by Academy of Military Sciences [junshi kexue chubanshe], 2007] (FOUO // UNCLASSIFIED)

According to The Science of Military Strategy, Psychological warfare also includes a number of cultural, educational, and diplomatic activities. Efforts identified include: “culture and art exchanges”, “academic activities, which exercise psychological influence in the name of ‘programs for international visiting scholars’ or ‘international academic exchanges’”, and “special psychological warfare planned and implemented by intelligence and secret service agencies in the covert battlefront.”[660] Since the 1990s, improved targeting of prominent foreign elites, journalists, military personnel, and use of public relations firms have sought to “use foreigners as a bridge” to promote China and convey Chinese messages.[661] Another authoritative text, Introduction to High-Ranking Organ Work identifies liaison works as another means of conducting psychological warfare. It states that it must engage in open and secret work, yet distinguishes it from “ordinary intelligence work”, as it must be coordinated with united front work and other activities.[662] Official military-to-military relations and unofficial interactions, such as Track II dialogues, are likely to be activities conducted in close coordination with political work units.

For example, the Sanya Initiative, a forum for retired US and Chinese senior military leaders, which is strongly supported and partially funded by retired Rear Admiral William A. Owens and has received a letter of support from then Chairman of the Joint Chiefs of Staff Rear Admiral Michael Mullen, is likely a

[660] Edited by Peng Guangqian and Yao Youzhi. The Science of Military Strategy, Beijing: Military Science Publishing House, 2005, p. 374.
[661] Ibid, 224.
[662] Edited by □□□ [Yuan Wenxian] and □□□ [Sun Ruling], et al., □□□□□□□□□□ [Introduction to High-Ranking Organ Work] {gaoji linshuai jiguan gongzuo gailun}, Beijing: National Defense University Press (August 2005), 30.

strong target of political work and Three Warfares efforts.[663] The China Association for International Friendly Contact (*youlianhui*; □□□), which is also known as the International Liaison Department of the PLA General Political Department (GPD), coordinates the trips for the Chinese side.[664] According to China scholar Ann Marie Brady, the China Association for International Friendly Contact targets "friendly personages" or "foreign leftists" and, as it is part of the PLA GPD, reports up the chain of command within the PLA GPD.[665] The PLA GPD is the department responsible for Three Warfares; the Three Warfares is the leading operational concept within that department.

The proliferation around the world of Confucius Institute centers for Chinese language instruction, which have been suspected of influencing academic freedom at universities and facilitating espionage, may be a concrete manifestation of such a strategy. Examining the issue, on 28 March 2012, the US House Foreign Affairs Subcommittee on Oversight and Investigations held a hearing on "The Price of Public Diplomacy with China," which focused on Chinese propaganda efforts in the US, including Confucius Institutes on university campuses.[666] Similar concerns have been exhibited around the world. For example, in 2008 Tel Aviv University officials shut down a student art exhibition depicting the "oppression of Falun Gong" in China. A Tel Aviv District Court judge subsequently ruled the university "violated freedom of expression and succumbed to pressure from the Chinese

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663 "A Briefing on the Sanya Initiative", CSIS, 6 June 2008, http://csis.org/files/media/csis/events/080606_sanyaeventsummary.pdf.

664 "Sanya Initiative: PLA Sends Team to Hawaii for Second Meeting with Retired US Flag/General Officers", The Taiwan Link, 25 November 2009, http://thetaiwanlink.blogspot.com/2009/11/sanya-initiative-pla-general-political.html.

665 Anne-Marie Brady. Making the Foreign Serve China: Managing Foreigners in the People's Republic. Lanham, MD: Rowman & Littlefield, 2003.

666 "The Price of Public Diplomacy with China", Subcommittee on Oversight and Investigations House Committee on Foreign Affairs, 28 March 28 2012, full transcript and webcast, http://foreignaffairs.house.gov/hearing_notice.asp?id=1415.

Embassy", as the dean of students "feared that the art exhibit would jeopardize Chinese support for its Confucius Institute and other educational activities."[667] In addition to their work in subtly suppressing the exploration of topics inimical to the propaganda objectives of the Chinese state and subtly inculcating students, a number of individuals holding positions within the Confucius Institute system have backgrounds in Chinese security agencies and the United Front Work Department, “which manages important dossiers concerning foreign countries.”[668] These responsibilities include propaganda, the control of Chinese students abroad, the recruiting of agents among the Chinese diaspora (and among sympathetic foreigners), and long-term clandestine operations. Academic scholars have testified that China promotes foreign propaganda towards the Overseas Chinese community through Confucius Institutes and activities such as "root-seeking" cultural tours.[669]

Target: Taiwan

The primary target of PLA Psychological Warfare is Taiwan, the Republic of China (ROC). The PLA is evaluating and debating coercive strategies, which would be part of Psychological Warfare to take advantage of the perceived weakened morale and unity of the ROC’s military and government. Taiwan-related information collection entities include: 1) the military sector, which includes the General Staff Department, the General Political Department, and the CPC's cyber forces; 2) the CPC sector; 3) the government sector, which includes the Ministry of State

[667] Peter Schmidt. “At US Colleges, Chinese-Financed Centers Prompt Worries About Academic Freedom”, The Chronicle of Higher Education, 17 September 2010, http://chronicle.texterity.com/chronicle/20101022a?pg=8#pg8.
[668] Fabrice de Pierrebourg and Michel Juneau-Katsuya, “Nest of Spies: the starting truth about foreign agents at work within Canada’s borders,” HarperCollins Canada, 2009. p 160 – 162
[669] Testimony of Associate-Professor Anne-Marie Brady, “China’s Propaganda and Influence Operations, Its Intelligence Activities that Target the United States, and the Resulting Impacts on US National Security”, US-China Economic & Security Review Commission, 30 April 2009.

Security and the Ministry of Public Security; and 4) news media.[670] Moreover, the Academy of Military Science has established a Taiwan Research Center to improve its socio-political intelligence research on Taiwan for use in Three Warfares.[671] There are indications there is a similar, yet not as active, center for Southeast Asia.[672]

Before, during, and after conflict, the PLA aims to seize and maintain the political initiative through psychological warfare tactics. Independent of the method of the campaign, some PRC observers posit that the ROC will, after a 48-hour psychological and limited military campaign, not only agree to initiate unification talks, but also acquiesce to PRC terms.[673] Whether or not such a scenario would materialize holds broad implications not only for Taiwan, but for intervening states as well—the US in particular. If Taiwan swiftly loses political confidence and capitulates to Chinese demands, then US forces sent to signal US commitment to stability in the region or actively stop Chinese coercion would arrive too late to assist in the defense of the island.

Evaluating Chinese psychological warfare operations against Taiwan, Chinese writings posit that during peacetime, psychological operations seek to "reveal and exploit" divisions in the enemy's domestic political establishment or alliance

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[670] OSC, CPP20120216312007. [Liang-an Chen-hsiang Mi-ma: Chung-kung Tui Tai Hsuan-chuan-te Cheng-tse, Tso-wei yu Tu-ching. The True Cross-Strait Secret Code: China's Propaganda Policy, Conduct, and Channel to Taiwan, Tu Sheng-tsung, Hsiou-wei Tzu-hsun Ko-chi, Taipei, August 2008. (FOUO // UNCLASSIFIED)

[671] OSC, CPP20040413000049. "Chinese Academy of Military Sciences Sets Up Taiwan Research Center", Hong Kong Ta Kung Pao (Internet Version-WWW) in Chinese. (FOUO // UNCLASSIFIED)

[672] Personal telephone interview by author with Mr. Timothy Heath, PACOM China Strategic Focus Group Senior Analyst, 23 March 2012.

[673] Edited by Ashley J. Tellis and Michael Wills. Strategic Asia 2005–06, David Shambaugh, "China's Military Modernization: Making Steady and Surprising Progress", The National Bureau of Asian Research, 2005, http://www.nbr.org/publications/strategic_asia/pdf/Preview/SA05/SA05_China_preview.pdf.

system and cast doubt on the enemy's value concepts (*jiazhi guannian;* □□□□).[674] Taiwan's first Quadrennial Defense Review (QDR), issued in March of 2009 by the Ministry of National Defense, identified Three Warfares as a threat to the defense of Taiwan. In 1997, the Chinese General Staff Department and General Political Department "reportedly formed a special unit to examine methodologies to spark a 'soldiers movement' (*bingyun;* □□) to gradually sap the morale of ROC's armed forces and reduce confidence of the Taiwanese people in its military." In the election of President Ma Ying-jeou, US analysis suggested that the PLA may have employed Three Warfares in altering its Media Warfare against Taiwan leading up to the 2008 Taiwan election with the goal of discrediting incumbent President Chen Shui-bian and his party's leadership.[675] In addition to media reaching the general populace, a series of news outlets that reach Taiwan also sought to convey a message praising the moral character of Taiwan's troops while discrediting the moral character and worthiness of Chen as a leader.[676] Other PLA journals alleged that during the pro-independence overtures of the Chen Shui-bian administration, "officers and men [in the Taiwanese ranks] were in ideological chaos, shaken in their faith and confused about 'just who and what they are fighting for'."[677] Additionally, a series of high profile espionage cases over the past several years in which Taiwanese military and intelligence officers spied for China have shocked the media and sparked concerns over deficiencies in Taiwan's intelligence apparatus.[678] For instance, in yet another scandal, in early 2013 Taiwanese Rear Admiral Hsu Chung-hua, commander of the fleet based in Penghu, has been

[674] Mark Stokes, "The Chinese Joint Aerospace Campaign: Strategy, Doctrine, and Force Modernization", in China's Revolution in Doctrinal Affairs, ed. James Mulvenon and David Finkelstein, (Alexandria: CNA Corporation, 2005), 272.
[675] OSC, CPP20070122325003. Analysis: PLA Refines Study, Practice of 'Public Opinion Warfare' FEA20081118795121 - OSC Feature - China -- OSC Analysis 18 November 08. (FOUO // UNCLASSIFIED)
[676] Ibid
[677] Ibid, 283.
[678] Russell Hsiao. "'War without Gunfire': China's Intelligence War with Taiwan", China Brief Volume: 10 Issue: 22, 5 November 2010.

suspected of espionage along with other, associated lower-ranking officers.[679] It is worth noting that Taiwan has also sought to conduct espionage in China. However, examination of unclassified news reports suggests (as indicated by those spies caught) that China has had more and more valuable intelligence successes than Taiwan in recent years. As China's CNP increases the asymmetric challenges facing Taiwan will only grow.

Senkaku Incidents and Psychological Warfare

Another example of Psychological Warfare, one leveraging economic tools, occurred during the 2010 Senkaku Boat Collision Incident. On 22 September 2010, in response to Japan's arresting the captain and crew of a Chinese trawler in a maritime safety and/or territorial dispute, China enacted a two-month unofficial ban on exports of rare earths to Japan. Using legal warfare, it claimed domestic environmental regulations as the cause for the cease in exports. Shortly thereafter, Japan released both the trawler's crew and captain. In China the event was perceived as a Chinese diplomatic victory, while in Japan the government's acquiescence received the rebuke of its citizens. This use of China's "strategic natural resource" demonstrated the precise, coercive effect of affecting an adversary's economy.

Over the course of 2012, especially since the announcement of the intention of the Japanese Government to purchase three of the Senkaku islands from private Japanese citizens following then-Tokyo Governor Shintaro Ishihara's proposal, Chinese Maritime Surveillance (CMS) ships and aircraft have dramatically

[679] "Taiwan admiral questioned over alleged China spy link", Strait Times, 4 February 2013, http://www.straitstimes.com/breaking-news/asia/story/taiwan-admiral-questioned-over-alleged-china-spy-link-20130204.

increased their violation of Japanese territorial waters in the Senkakus. The de facto mission of CMS ships is to harass the fleets of adversary states in contested exclusive economic zones and territorial waters. According to an editorial in Huanqiu, these normalizing actions aim to exhaust Japan so that it loses de facto control of the Senkakus and a "new stage" of the dispute is established in which China, rather than Japan, has "actual control" of the Islands.[680]

Furthermore, there has been expressed public interest by PLAN and State Oceanic Administration commanders for increased coordination and certain closely-coordinated Media Warfare activities have begun to appear as part of this pattern.[681] Reflecting the pattern of escalating tensions in the East China Sea, on 30 January 2012 according to Japanese accounts, a Chinese frigate locked its fire control radar onto a Japanese destroyer.[682] In addition to the escalation risk posed by this scenario, the incident betrays the possibility that increased naval-naval interaction, as opposed to coast guard-CMS interaction, may take place.

According to Captain James Fanell, Deputy Chief of Staff for Intelligence and Information Operations at the US Pacific Fleet, "in 2012 the PLA Navy sent seven surface action groups and the largest number of its submarines on deployment into the Philippines Sea in its history." PLAN activities have similarly increased in the East China Sea.

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[680] "Dispute Over Senkaku Islands Enters New Stage", Huanqiu, 14 December 2012, http://mil.huanqiu.com/paper/2012-12/3379857.html.
[681] Kenji Minemura. China making presence felt in disputed East China Sea", The Asahi Shimbun, 19 March 2012, http://ajw.asahi.com/article/behind_news/politics/AJ201203190001.
[682] Jonathan Soble. "Prime Minister Abe Blasts China over Maritime Incident", Financial Times, 6 February 2013, http://www.ft.com/intl/cms/s/0/7ed11fb8-6f7f-11e2-956b-00144feab49a.html#axzz2K7wUgVNl.

Commensurate with the rise in physical escalation has been a rise in rhetoric. Rear Admiral Yang Yi, a retired navy official, argued at a conference in January 2013 that China should use its military modernization to scare neighbors into submission. “We should tell people how many aircraft carriers we’re going to build. That will put the great powers at ease and crush the small countries’ hopes [that they could provoke us],” he said.[683] Additionally, Chinese official spokespersons and media strongly criticized the perceived US interference in the Senkakus dispute. In particular, Chinese media criticized the 30 November 2012 decision of the US Senate to add a supplemental term in its National Defense Authorization Act for Fiscal Year 2013, clearly stating that Article Five of the Japanese-US Security Treaty, in which the US outlined its defense responsibilities for Japan, applies to the Senkaku Islands.[684] Commentators alleged these actions by the US are aimed at using the Senkakus dispute to “interfere with China’s rise”. Lastly, both Japan and China have conducted a high degree of open source reporting on incursions and scrambles, both seeking increased domestic and international support through the media warfare sphere for their activities and claims.

Media Warfare

As part of the Three Warfares, media warfare is “aimed at influencing domestic and international public opinion to build support for China’s military actions and dissuade an adversary from pursuing actions contrary to China’s interests.”[685]

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[683] Kathrine Hille. “Return of warlike rhetoric from China”, Financial Times, 22 January 3013.

[684] “The US Senate Complicates the Diaoyu Islands Issue to Deter China”, Xinhua, 4 December 2012, http://news.xinhuanet.com/world/2012-12/04/c_124040090.htm.

[685] Office of the Secretary of Defense (DoD), *Military and Security Developments Involving the People’s Republic of China 2011*, Annual Report to Congress (Washington, DC: DoD, 16 August 2011), http://www.defense.gov/pubs/pdfs/2011_CMPR_Final.pdf, 26.

Domestically, PLA planners seek to control domestic information access and generate propaganda to guide public opinion and thus present a 'united front' among the intelligentsia, common citizens, and the CPC. Over the past few decades, China has adopted more sophisticated media warfare methodologies. In particular, China has incorporated methods of mass persuasion from the Western world, including political public relations, theories of mass communication, and individual and group psychology.[686]

China has also improved its ability to control and employ New Media (a broad term that encompasses Internet-age advances in dissemination of traditional media with "social media" tools). In an interview with Chinese media, a Chinese Academy of Social Sciences scholar cautioned against Western ideological attacks against China, specifically he pointed to "attacks" by the Voice of America. [687] The scholar classified the operation of Western free press and social media organizations as "attacks". As a counter, he expressed confidence that as the number of Chinese netizens increases (it already has the highest number in the world) they will counter the ideological attacks against China by function of an increasing weight of communicable public opinion on the global media stage. In essence, Chinese netizens would disseminate Chinese propaganda, thus assisting in setting the dominant discourse.

Under the concept of "public opinion channeling" (*yulun yindao*; □□□□) the CPC has also sought to make the Party's messages "less staid and ideological and more

[686] Antony Funnell, "Three Perspectives on China", ABC Radio National News Web site, 3 July 2007, http://www.abc.net.au/rn/mediareport/stories/2007/1974183.htm

[687] OSC, CPP20111215787005. CASS Expert Cautions Against Western Ideological Attacks Via New Media Beijing Zhongguo Qingnian Bao Online in Chinese, 15 December 2011 [Article by Xiang Nan: □Communication Scholar Liu Ruisheng: China Should Attach Great Importance to Ideological Security in New Media Era]. (FOUO // UNCLASSIFIED)

attractive", while still maintaining rigid propaganda objectives.[688] PLA media warfare expert Cai Huifu has recommended methods such as: controlling the terms of debate to "steer public discussion in a designated direction;" the "selective use of truth" to counter false reports; "reshuffling" images and footage to suggest "factual news" favorable to one's side; and the manipulation of "third parties," particularly foreign journalists, through practices such as "embedding reporters."[689]

Foreign Media Warfare efforts have also become more sophisticated. Foreign Media Warfare efforts have also sought to improve China's international media voice in an effort to surmount the perceived Western information hegemony. As stated by the People's Daily, the United States not only possesses political and military hegemony, but also media and cultural hegemony. In its view, the 'soft strength' of Western news media far surpasses its economic 'hard strength'.[690] In order to accommodate this relative inferiority, the head of the Central Propaganda Department's Information Bureau writes that the CPC must improve its readiness and capabilities in order to strike first on covering major news stories and forestall the ability of non-CPC (non-Chinese) media to cover the stories.[691] Moreover, the government has sought to improve the entertainment quality of its television media and established the infrastructure necessary for global mass communications. Changes include co-opting popular, formerly private TV channels, subsidizing cultural media, broadcasting CCTV internationally in foreign languages, and providing Chinese media content to foreign national media providers. CCTV has

[688] David Bandurski. "More hard words on China's "war for public opinion"", China Media Project, 30 September 2009, http://cmp.hku.hk/2009/09/30/1957/.
[689] OSC, CPP20040128000182. "PRC Media Experts Analyze US Use of Media During the Iraq War, Seek Lessons", Beijing Zhongguo Junshi Kexue in Chinese. (FOUO // UNCLASSIFIED)
[690] David Lampton, The Three Faces of Chinese Power, (Berkeley: University of California Press, 2008),159.
[691] David Bandurski. "More hard words on China's "war for public opinion"", China Media Project, 30 September 2009, http://cmp.hku.hk/2009/09/30/1957/.

had significant success in adding its programming to stations throughout Africa, Central Asia, and increasingly Europe and Latin America. In the US, CCTV News and CCTV Documentary are two 24/7 English language channels being marketed.[692]

Traditionally, the most important lobbyists for China and the target audience of foreign propaganda has been Overseas Chinese, people of Chinese ancestry who are not living in the PRC or ROC. Overall, China aims to create ideational power that grows increasingly attractive to citizens of the world in general and Overseas Chinese in particular. With Overseas Chinese, China seeks to leverage its notion of a transnational culture. Transnational culture, the idea of a common ethnic Chinese people, supports Chinese public diplomacy and espionage operations throughout the world in ethnic Chinese communities, university campuses, and cultural centers such as the Confucius Institutes. As China's confidence in its programming capabilities has increased, it has increasingly directly targeted the broader populations of other countries.

The Chinese NDU Press book Lectures on Joint Operations Command Organ Work extensively discusses ways to conduct media warfare in peacetime and particularly in wartime.[693] Of particular note, it discusses methods to guide battleground news gathering and editing, and its release to foreign news with the aim of affecting enemy perceptions. Furthermore, consistent with a broader information warfare approach for targeting critical nodes, some Chinese scholars have advocated using tailored media transmissions (that build off of detailed intelligence gathered on

[692] "China's CCTV is Coming to DC", Politico, 30 August 2011, http://www.politico.com/blogs/onmedia/0811/Chinas_CCTV_is_coming_to_DC.html

[693] Edited by □□□ [Yuan Wenxian], □□□□□□□□□□□□ [Lectures on Joint Operations Command Organ Work] {*lianhe zuozhan zhihui jiguan gongzuo jiaocheng*}, Beijing: National Defense University Press (March 2008), 200.

leaders) to cause enemy leaders to hesitate in making crucial command decisions.[694]

Gulf of Aden Task Force and Other External Media Warfare Efforts

Articles on the PLAN's Gulf of Aden task force escort mission have highlighted the Three Warfares political work of the units. The political commissar on the first Gulf of Aden escort task force has written an article detailing the efforts to "strengthen the fighting spirit of officers and enlisted men as an important aspect of political work."[695] He observed "at-sea non-war military actions attract worldwide attention and are open and transparent, so political work must focus on exhibiting a brand new image and positive conduct of our nation and the military." He further described the role of the task force as part of the PLA's "New Historic Missions". During operations, they "painstakingly organized news propaganda, took the initiative to guide the direction of public opinion, and stepped up efforts to centralize and check news drafts and made sure that we created a public opinion environment favorable to China especially during sensitive operations such as escorting Taiwanese ships and rescuing foreign merchant ships."[696] He concluded by contending the "room for peaceful deployment of our naval forces continues to expand, and as at-sea non-war military actions become increasingly frequent, the people's navy will emerge on the international stage more and more. This is a good opportunity for displaying the brand new image of our nation and our military, and

[694] OSC, CPP20071107436004. PLA Scholars' Article on 'Media Decapitation' in Media Warfare , Official journal of the People's Liberation Army Nanjing Institute of Politics, Nanjing Zhengzhi Xueyuan), 4 May 2006. (FOUO // UNCLASSIFIED)

[695] OSC, CPP20090811478012. "PRC: SSF Political Commissar on Political Work Innovation, Development", Beijing Renmin Haijun in Chinese, 17 June 2009, p 3, [Article by Huang Jiexiang, South Sea Fleet Political Commissar: "Inspirations Drawn from the First Escort Practice for Innovation and Development in Political Work during At-Sea Non-War Military Action"]. (FOUO // UNCLASSIFIED)

[696] Ibid

it is also a big test in examining the comprehensive quality and ability of our naval forces."[697]

In 2011 a People's Navy article stated CMC member and Director of the GPD Li Jinai had visited the Gulf of Aden Task Group. While there, he commended the PLAN's achievements in addressing administrative and combat readiness issues and emphasized the building of capability to carry out Three Warfares.[698] Other notable examples of media warfare efforts include peacekeeping operations abroad, the Gulf of Aden escort taskforce mission, and positively portraying the evacuation of a small number of Chinese workers from Libya using four Il-76 transport aircraft. Throughout coverage of different external security operations, PLA media has emphasized the legal legitimacy of China's actions and the transparency of the PLA.

The PLAN and China's State Oceanic Administration (SOA) have sought to increase their coordinated use of Three Warfares. An article covering a PLAN "media work conference" in Beijing described how the conference summed up the previous year's news reporting and propaganda and arranged the 2008 reporting and propaganda tasks.[699] Based on the overall situation of the state's political and diplomatic work, the PLAN political work units sought to "successfully fulfill a series of important propaganda and reporting tasks; actively carry out media warfare research and exercises alongside the stepped-up preparations for military struggle, and successively achieve a batch of research results that are practicable

[697] Ibid

[698] Central Military Commission (CMC) Task Group Inspects The Navy, People's Navy, 4 November 2011.

[699] OSC, CPP20080422436013. "PLA Navy Deputy Political Commissar Sets Tone, Agenda for 2008 Media Work", Beijing Renmin Haijun in Chinese, 25 January 2008, p1. [Report by Cao Jinping, Xu Hengqiang, staff reporter Li Taowei: "Provide Mental Driving Force and Media Support for the Building of a Strong Navy, Deputy Political Commissar Wu Huayang Attends the Navy's Media Work Conference and Speaks"]. (FOUO // UNCLASSIFIED)

in media warfare."[700] Essentially, the article revealed how the PLAN sets media warfare objectives for the coming year, in concert with the rest of the state's political and diplomatic work, and aims to complete them. This objective-setting likely applies to Near Seas operations.[701]

Media Warfare, Salami Tactics, Nationalism

Regime legitimacy in China largely rests on economic growth and nationalism. Media sources cater to the nationalistic desires of the people, but also whet their desires with rich programming content that antagonistically portrays the US and its allies in a manner consistent with dynamic propaganda objectives. For instance, in 2008 PLA media devoted significant coverage to the planned US expansion of facilities at Guam.[702] Coverage emphasized the US may use the facilities to support power projection to the Pacific Rim. After detailing all the actions inimical to China that the US may undertake, one CCTV-7 episode commenter dramatically asked, "What will control America's appetite in Asia?" Moreover, media consistently conveyed the message that Guam, being closer to Asia than the Continental US, was more in the Asian sphere than that of the US Episodes such as these fuel domestic nationalism and convey the sense that Guam, an essential component of US stability in the region, is not truly an American territory. In a sort of "salami tactics" approach, this is consistent with other efforts aimed at reducing US targets' value for the Chinese population, US elites and domestic population,

[700] OSC, CPP20080422436013. PLA Navy Deputy Political Commissar Sets Tone, Agenda for 2008 Media Work Beijing Renmin Haijun in Chinese 25 Jan 08 p1[Report by Cao Jinping, Xu Hengqiang, staff reporter Li Taowei: "Provide Mental Driving Force and Media Support for the Building of a Strong Navy, Deputy Political Commissar Wu Huayang Attends the Navy's Media Work Conference and Speaks"]. (FOUO // UNCLASSIFIED)

[701] The Near Seas refers to the Yellow Sea, the East China Sea, and the South China Sea.

[702]□□□□□□□? [US plans huge expansion of Guam against whom?], □□□ [New Observations on Defense], CCTV7, 23 December 2008. <http://www.youtube.com/watch?v=q4Extj-oz4w> (not original link)

and foreign countries' elites and population.[703] US bases in allied countries have also been the target of similar propaganda efforts.

Chinese Self-Binding

In his book, The Three Faces of Chinese Power, David Lampton recalls conversations with Foreign Ministry diplomats in which they speak of their online interactions with nationalistic citizens who allege the Ministry does not represent China's interests forcefully enough.[704] Due to this sentiment, the Foreign Ministry argues it must play two-level games with domestic citizens and foreign governments. While the claim is likely true to a degree, the possibility also exists that exaggerating the influence of such nationalist movements or fueling them provides a form of positive "self-binding" for China in negotiations. In this manner, stoked nationalism could precondition negotiations in China's favor, allowing Chinese officials to argue in negotiations with the US or other states that they cannot fulfill obligations or requests, as their regime survival might be at stake.

Media Warfare, Transparency, and Deception

On 18 May 2008, the Ministry of National Defense gave, for the first time, a public press briefing at the Chinese Ministry of Defense.[705] Senior Colonel Hu Changming, the PLA's first spokesman, provided details of the military's role in

[703] Mátyás Rákosi, the *de facto* ruler of communist Hungary between 1945 and 1956, coined the term "salami tactics", referring to how the communists eliminated opposition forces piecemeal from Eastern Europe by "cutting them off like slices of salami." During the Cold War, the term referred to the fear the Soviet Union might attempt to lower the value of a certain area (in the minds of Western leaders), then conduct limited and repeated advances in that region, and thus gradually advance its forces in politico-military fashion. ("Salami Tactics", Wikipedia, 15 February 2012, http://en.wikipedia.org/wiki/Salami_tactics.)

[704] Bandurski., 126.

[705] "Defense ministry spokesman: China open to foreign military aid in disaster relief", Xinhua, June 12 2008, http://english.chinamil.com.cn/site2/special-reports/2008-06/12/content_1321556.htm.

rescue and relief efforts in the aftermath of the 12 May Sichuan earthquake. Increasingly confident, the Ministry of National Defense now holds regular press conferences and seeks to influence the international media discourse.[706]

Furthermore, the PLA routinely sends "significant media teams to cover the efforts and inform the population of the PLA, People's Armed Police (PAP), and militia's work in non-traditional security missions."[707] Among other missions, the international naval review, in celebration of the 60th anniversary of the founding of the PLA Navy on April 23rd, was an effort to liberalize the PLA's public relations image to the world. It not only demonstrated Chinese prestige to its own citizens, but was highly oriented toward foreign consumption by portraying a strong, friendly, and transparent force. Other efforts included the launching of an official PLA English website titled "China Military Online." It now features a series of regularly updated news articles, fact sheets, photographs, and videos. It claims to offer a "window on Chinese armed forces" and to demonstrate how China's military is "open and transparent."[708]

Despite these overtures, the PLA fundamentally lacks both transparency and openness. The PLA systematically underreports both the cost and allocation of its budget.[709] Moreover, media warfare and psychological warfare operations stress the supposedly nascent state of PLA capabilities and publicly deny capabilities such as cyber-espionage in order to avoid provoking a substantial reciprocal US

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[706] Delex CSA Special Report #2, Special Report on the Translation of Yang Yi Article on AirSea Battle, includes coverage of a Ministry of National Defense press conference during which Defense Ministry spokesman Senior Colonel Geng Yansheng (□□□) criticized the US AirSea Battle concept. An electronic copy of the report may be found at the Delex Special Reports archive: http://www.delex.com/sol_CSA_SR.aspx.

[707] Dennis Blasko, The Chinese Army Today, *(*New York: Routledge, 2006), 164.

[708] China Military Online, http://english.chinamil.com.cn/

[709] US Department of Defense. 2010. *Annual Report on the Military Power of the People's Republic of China, 2010*, 17, http://www.defense.gov/pubs/pdfs/2010_CMPR_Final.pdf.

response. An example of deception is China's development of an aircraft carrier. In 1998 China purchased the ex-Soviet aircraft carrier *Varyag*, and in many subsequent Track II informal dialogues, China assured US participants it would never field an aircraft carrier. In 2011 a refitted *Varyag* commenced sea trials by the PLAN.[710] Another high profile example of publicly denying capabilities took place 18 May 2011 when the PLA Chief of General Staff Chen Bingde delivered an address at the US National Defense University. General Chen contended, as predecessors and colleagues of his have consistently argued over the past couple decades, there "still exists a 20 year gap between equipment and weaponry between the US and China."[711] This deceptive language supports media warfare's aim of influencing foreign actors' perceptions of the PLA. Whether such a policy of deception will change with greater Chinese confidence in PLA capabilities, remains to be seen.

Recent actions by the Chinese government suggests China may take an even more competitive approach to media development and dissemination. In recent years, it has increased its practice of refusing to renew visas for those foreign reporters who publish stories critical of China.[712] This contributes to a "chilling effect" of reporting of news. Even more significant are reports that Chinese hackers have systematically infiltrated US media outlets and at least in one instance attacked newspaper websites and social media feeds in retaliation for coverage of stories

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[710] "China's first aircraft carrier 'starts sea trials'", BBC, 10 August 2011, http://www.bbc.co.uk/news/world-asia-pacific-14470882.

[711] Delex CSA Current Issues Brief (CIB) No. 34 "PLA Chief of General Staff Chen Bingde's Visit to NDU", Delex Systems, Inc., 19 May 2011, http://delex.com/sol_CSA_CIB.aspx.

[712] "NY Times Reporter Forced to Leave China", Wall Street Journal, 1 January 2013, http://online.wsj.com/article/SB10001424127887323320404578215230100909660.html

viewed as disparaging China.[713] These sorts of activities may aim at deterring news organizations from critically reporting on China.

Legal Warfare

Legal warfare "uses international and domestic law to claim the legal high ground or assert Chinese interests"[714] In particular, legal war seeks to legitimize Chinese policies while sometimes undercutting the authority or justification of enemy reactions. A Chinese article on the subject states legal warfare is "designed to take advantage of international and domestic law, seizing the legal heights, to safeguard China's interests. This can also be used to limit the enemy's freedom of action, limiting the enemy's activity space. The intent of the legal warfare is to win international support and control the potential political impact of China's military action."[715] The author further argues legal warfare efforts are ongoing: "China has been trying to launch a legal battle at sea and in international airspace, in order to build a safety buffer."[716]

Ultimately, Chinese legal warfare is based on the PRC's rejection of the post-World War II legal architecture that has administered global affairs for over half a century. It regards these laws and precedents as mitigating, unfairly, in favor of Western interests and sustaining Western hegemony and undertakes revisionist

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[713] "Wall Street Journal, CNN hit by Chinese hackers", Sydney Morning Herald, 1 February 2013, http://www.smh.com.au/it-pro/security-it/wall-street-journal-cnn-hit-by-chinese-hackers-20130201-2dom0.html#ixzz2Jei6bFLt.

[714] Office of the Secretary of Defense (DoD), *Military and Security Developments Involving the People's Republic of China 2011*, Annual Report to Congress (Washington, DC: DoD, 16 August 2011), http://www.defense.gov/pubs/pdfs/2011_CMPR_Final.pdf, 26.

[715] " [Three Warfares], . mil News, 5 September 2011, http://mil.news.sohu.com/20110905/n318408795.shtml [translated by Georgetown University Asian Arms Control Project].

[716] Ibid

activities to counter them and support China's self-interest. Nonetheless, not all legal warfare actions are necessarily revisionist. Instead, legal warfare efforts may also aim to gradually set a new precedent, manipulate international law, or execute a fait accompli move backed by legal authority. In this manner, new, revisionist norms and rules can be set over the long run, or a new norm or rule can be used to set preconditions to favor Chinese military action or justify its activities.

Legal Authority for External Security Operations

The PLA pays strict attention to justifying its operations under domestic and international law. As an example, in general, China solely conducts contemporary external security operations under the mandate of U.N. resolutions. This was apparent when China waited for U.N. Security Council Resolution 1851 before sending maritime forces to the Gulf of Aden to combat pirates on 26 December 2008. Similarly, China only participates in U.N.-sanctioned peacekeeping operations. Even in foreign policy trouble spots for China, such as Sudan, China's peacekeeping presence is backed by a U.N. mandate. This is consistent with the long-standing PRC position on noninterference in the internal affairs of other countries.

Over the past decade, military confrontations between the US and China have exhibited significant international law components, with China justifying its position in the context of or lack of international law. Incidents include the 4 to 8 March 2009 harassment of US Surveillance Towed Array Sensor System (SURTASS) vessels USNS *Impeccable* and USNS *Victorious*, the 2006 and 2007 Chinese testing of directed energy and kinetic anti-satellite systems, and the 1 April 2001 collision of a Chinese J-8 with a US EP-3E. In the future, Chinese Legal Warfare could provide advantages in areas such as treaties regulating or abolishing

the emplacement of weapons in space, or the fielding of anti-satellite systems. For instance, at the United Nations Conference on Disarmament, China has favored a position that the US must negotiate a new treaty banning the "weaponization" of space. The current 1967 Outer Space Treaty prohibits only the placing of weapons of mass destruction in space, although with strictures against harmful contamination of space.[717] In such a new treaty, the Chinese would not be required to forego their arsenal of ground-based kinetic and non-kinetic anti-satellite weapons. In another example, China is not a party to the Intermediate-Range Nuclear Forces Treaty, and is thus free to construct medium range ballistic missiles. As the US has been bound by this treaty, its options for developing potential counters to Chinese ballistic missiles have been limited, and there is no apparent treaty avenue for reducing China's arsenal.

Legal Warfare at Sea: Japan, Philippines, and Vietnam

Professor Peter Dutton of the US Naval War College has thoroughly examined China's legal warfare in the South China Sea in a recent *Naval War College Review* paper.[718] The coordinated efforts of Chinese legal experts and maritime forces aim to "shape international opinion and interpretation of the UN Convention on the Law of the Sea away from long-accepted norms of freedom of navigation and territorial limits toward increased sovereign authority out to the 200 nautical mile Exclusive Economic Zone, the airspace above it, and possibly outer space."[719] The authoritative Chinese NDU Press Lectures on Joint Operations Command Organ Work specifically cites "international open-navigation practices" as an area

[717] "A new arms race in space?", The Economist, 25 January 2007.

[718] Peter Dutton, "Three Disputes and Three Objectives: China and the South China Sea", *Naval War College Review*, Autumn 2011, Vol. 64, No. 4, http://www.usnwc.edu/getattachment/feb516bf-9d93-4d5c-80dc-d5073ad84d9b/Three-Disputes-and-Three-Objectives--China-and-the.

[719] Office of the Secretary of Defense (DoD), *Military Power of the People's Republic of China 2009*, Annual Report to Congress (Washington, DC: DoD), 16.

to conduct legal struggle by various channels in a manner “advantageous to us and disadvantageous to the enemy”.[720] Overall, Chinese misinterpretation and undermining of the language of the U.N. Convention on the Law of the Sea emphasizes that it strengthens state sovereignty and denies unauthorized access to foreign militaries.[721] Although examination of the specific arguments exceeds the scope of this paper, notable Chinese legal scholars cited in the previous reference include Ren Xiaofeng and Cheng Xizhong of the China Institute for International Strategic Studies and Zhang Haiwen, Senior Researcher at the China Institute for Marine Affairs and Secretary of the Chinese Society of the Law of the Sea.

While the PRC relies on manipulation of international laws, it has also crafted corresponding national laws. In 1992, Beijing promulgated a domestic law regarding its territorial waters entitled; “Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone”, which claimed China’s sole right over highly disputed territories. The assertion of these rights serves to complement efforts in the international legal sphere by providing a domestic assertion of the state’s de facto control over a particular area. In a related fashion, in November 2012 it was announced that new regulations that would go into effect 1 January 2013 would permit Hainan Island security forces to seize foreign ships that “enter the province’s waters without permission, damage coastal defense facilities, or engage in publicity that threatens national security.”[722] While the actual text of the

[720] Edited by □□□ [Yuan Wenxian], □□□□□□□□□□□□ [Lectures on Joint Operations Command Organ Work] {*lianhe zuozhan zhihui jiguan gongzuo jiaocheng*}, Beijing: National Defense University Press (March 2008), 204.

[721] Ren Xiaofeng and Cheng Xizhong, “Military and Intelligence Gathering Activities in the Exclusive Economic Zone", 140; Ren Xiaofeng and Cheng Xizhong. "A Chinese Perspective" Marine Policy, 2005, volume 29 , issue 2 , 139-146.; Zhang, Haiwen. "Is It Safeguarding the Freedom of Navigation or Maritime Hegemony of the United States?-Comments on Raul (Pete) Pedrozo's Article on Military Activities in the EEZ"", *Chinese Journal of International Law,* Volume 9, No. , (March 2010) 31-47.

[722] Ben Blanchard and Manuel Mogato. “Chinese Police Plan to Board Vessels in Disputed Seas”, Reuters, 29 November 2012, http://www.reuters.com/article/2012/11/29/us-china-seas-idUSBRE8AS05E20121129.

regulations must be examined in order to adequately assess potential implications, this action could be consistent with continued "territorialization" of South China Sea waters in a manner inimical to freedom of navigation rights.[723]

In light of China's efforts, it appears other Asia-Pacific states will also pursue legal mechanisms to address these border disputes. For example, Vietnam's Law on the Sea, enacted in June 2012, states Vietnam's sovereignty claims on the Spratly and Paracel Islands, which China also claims. Vietnam has also attempted to use the Association of Southeast Asian Nations (ASEAN) as a forum to raise South China Sea border dispute issues with China.

The Philippines has also explored its options in the legal warfare arena. 2012 was likely the most damaging to the Philippines' position in the South China Sea dispute since China occupied Mischief Reef in 1995 over Philippine objections. "After three years of steadily escalating the aggression with which it pursued its claims, Chinese vessels forced a months-long standoff at Scarborough Shoal, inside the Philippines' exclusive economic zone (EEZ). In the end, the Philippines simply lacked the muscle to force the Chinese to back down, and Scarborough Shoal is now, *de facto*, under China's control."[724] After trying but failing to secure

[723] Another notable case where China has sought to increase its legal standing is passage of the 2005 Anti-Secession Law in which the National People's Congress passed the Anti-Secession Law (ASL), which stipulated: "If possibilities for a peaceful reunification should be completely exhausted, the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity." The law served three functions. First, it was seen as a deterrent act against Taiwanese "splittists." Second, it domestically strengthened and justified the role of the security apparatus. Third, the law provided a legal, self-binding foundation for the Chinese position on the problem of the Strait. Similar to the manner in which US diplomats cite the Taiwan Relations Act and the autonomy of members of the US Congress in making pronouncements and passing legislation, Chinese leaders can now fall back to the ASL to justify their actions during negotiations.

[724] Gregory Poling. "Manila Begins Legal Proceedings over South China Sea Claims", CSIS Critical Questions, 24 January 2013.

significant support from ASEAN, the Philippines decided to bring legal action against China.[725]

Gregory Poling of the Center for Strategic and International Studies has provided trenchant analysis of the case.[726] He contends the Philippines limited legal track does not aim to resolve the question of those disputes involving overlapping maritime boundaries, including territorial seas, EEZs, and continental shelves (that China opted out of by exempting themselves via Article 298 of UNCLOS). Instead, it argues "China's "nine-dash line" is not supported by UNCLOS, and therefore the only valid maritime claims in the South China Sea are to the territorial seas, EEZs, and continental shelves adjacent to coastlines and islands. The Philippines' second major request is for the UNCLOS arbital tribunal to rule on whether certain "islands" [Mischief Reef, McKennan Reef, Gavin Reef, and Subi Reef] occupied by China are islands at all." If not, they would fall under the jurisdiction of the EEZ of the state whose continental shelf they are on—the Philippines. Assuming the judges take up the case, it will likely take three to four years, before the tribunal will issue it's a verdict. On the whole, it appears the Philippines may have prepared a compelling case. If it were to win in the award, whether China would follow the "binding" (but non-sanctionary) decision of the tribunal remains to be seen. At the very least, non-abidance would undercut the image of China as a responsible stakeholder in the global community.

Legal Warfare Supporting a First Strike Posture

[725] "Philippines to take South China Sea row to court", AFP, 22 January 2013, http://www.bbc.co.uk/news/world-asia-21137144.
[726] Gregory Poling. "Manila Begins Legal Proceedings over South China Sea Claims", CSIS Critical Questions, 24 January 2013.

Over the last number of years, the PLA has sought to establish the legal basis for a conventional first-strike. It sought and received the support of the Academy of Military Science in developing a method of justifying the ideological correctness of the transition from a counterattack posture based on Chairman Mao's principle of "accepting the first blow to a conventional first-strike posture that advocates "gaining the initiative by striking first".[727] The Science of Military Strategy maintains that the definition of an enemy strike is not limited to conventional, kinetic military operations.[728] Rather, an enemy "strike" may also be defined in political terms. For instance, a "strike" may imply a political violation of Chinese territory, such as a maritime intrusion or interference in internal affairs such as Taiwan. In this manner, China claims it would be justified in preemptively striking (kinetically or non-kinetically) an enemy after it has conducted a maneuver that is perceived as politically threatening. _

Pragmatically, China perceives a preemptive approach as a necessary first step to preventing the aggregation of enemy forces near China preceding a potential conflict. Chinese commentators posit that one key lesson of the Persian Gulf War is the absolute necessity of barring the US from gradually preparing the battlefield and developing its long logistics lines.[729] This policy provides a level of strategic ambiguity to China by granting it increased deterrent capacity. This first-strike posture is coupled with the Chinese paradigm of past successes with brinkmanship and pedagogical conflicts, such as the Sino-Indian War and Sino-Vietnamese War,

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[727] US Office of Naval Intelligence. 2007. *China's Navy, 2007*, 29.
Roger Cliff. Entering the Dragon's Lair, Santa Monica: Rand Corp., 2007, 64.
[728] US Department of Defense. 2008. *Annual Report on the Military Power of the People's Republic of China, 2008*, 17.
[729] David L. Shambaugh. Modernizing China's Military: Progress, Problems, and Prospects, Berkeley: University of California, 2004.

respectively.[730] This perception reinforces the appeal of a structured, methodical strategy that can achieve rapid, specific, almost scientific effects, such as Three Warfares. However, this ambiguous first-strike policy also provides possibilities for serious miscalculation by Chinese leaders, who must avoid overconfidence and possible miscalculation in assessing their agent capabilities.[731]

As these cases demonstrate, Three Warfares achieves ideal effects through the combined application of the Three Warfares' elements (such as influencing the legal body of work and dominant interpretations of it), skillful statesmanship, and a credible military force.

V. CONCLUSIONS

In summation, in order to properly understand Three Warfares one must understand not only classical Chinese and modern Communist Chinese inspirations but also the significant role US information warfare theory and practice has played in Three Warfares' development and potential uses. PLA strategists have drawn key insights on the psychological, media, and legal fronts regarding how the US enters and conducts conflict. They have also, though, learned a number of lessons regarding how to oppose US influence. Principally, it is imperative for US

[730] In this context, the term pedagogical conflict refers to the Chinese perception of the use of force in a limited fashion to pedagogically "teach" other states a lesson. The Sino-Vietnamese War is the prime modern example. (Edward W. Ross and Freeland H. Carde. China's Pedagogical War: Conflicting Interests in Indochina, Naval Postgraduate School, Monterey, California, July 1979, www.ewross.com/Chinas_Pedagogical_War.pdf.)

[731] Other notable cases where legal warfare has been used by China includes to support economic coercion, urging foreign companies against investing in certain Taiwanese companies with the threat of losing business in the PRC. Furthermore, longstanding efforts to portray the US as a non-Asian power incorporate legal elements through the fostering of mechanisms and apparatuses that solely involve ASEAN+3 states (Association of Southeast Asian States plus China, Russia, and Korea). In short, through specific policies and the advocacy of general architectures, legal warfare seeks to legitimize Chinese actions while delegitimizing adversaries' actions.

adversaries to not allow the US to amass and generate combat power near its borders, thus providing an impetus for anti-access strategies and militarily an effective preemptive strike early in the escalation of hostilities.

Some may still question whether Three Warfares merits resourced attention by the US The following reasons provide a succinct explanation. Three Warfares is the chief operational concept for a major warfighting portion of the PLA, and the PLA considers political-operational actions as increasingly important in future wars. The US should properly understand the guiding operational theory of its adversary, especially in light of the Rebalance to the Asia-Pacific. Moreover, the rapid development and employment of significant Three Warfares concepts, organizations, and capabilities suggest the PLA will conduct Three Warfares operations in the future. China's increasing CNP suggests its ability to effectively wage such operations to influence potential conflicts and competitions in the Asia-Pacific and on the global stage will continue to grow, thus meriting attention by the US

Another reason to consider is that, according to some Chinese theorists, future wars will likely require more rapid response times, "contain deep international backgrounds with numerous politically restrictive factors",[732] and favor the side that can strike effectively first. This perceived first-move advantage may prove to be crisis destabilizing as political work forces of the PLA rush to conduct advanced psychological, media, and legal warfare operations in an effort to deter or compel adversaries and precondition the battlefield for potential conflict. This may especially be the case if the national security policy influence of the PLA grows in

[732] Edited by □□□ [Yuan Wenxian] and □□□ [Sun Ruling], et al., □□□□□□□□□□ [Introduction to High-Ranking Organ Work] {gaoji linshuai jiguan gongzuo gailun}, Beijing: National Defense University Press (August 2005), 417.

the future, as some expect it to.[733] It is imperative for the US to understand these perceived trends and dynamics and seek to counter them in Phase 0 in order to dissuade potential Chinese use of force (as well as understanding how to counter them in wartime).

The conduct of Three Warfares activities by the PLA presents American policy-makers with several important challenges. Among other reasons, properly addressing Three Warfares is challenging for the US because it is a concept executed by an organization (the General Political Department) that has no analogue in the US This increases the difficulty that a single US organization—be it in the intelligence community, the State Department, or DOD—will take the lead on a concept that spans the warfighting and civil-military domains. However, inaction in the face of China's ongoing efforts to precondition potential battlefields on the psychological, media and legal fronts could place the United States in a decidedly unfavorable position.

Quoting Chairman Mao Zedong, "Passivity is fatal to us. Our goal is to make the enemy passive." Although development of actionable recommendations is beyond the scope of this work, it is clear the United States should consider nuanced yet deliberate action to counter Three Warfares and promote US capabilities and interests in the psychological, media, and legal fronts.

[733] Nozomu Hayashi. China urges restraint on Senkaku, Nanjing issues", The Asahi Shimbun, 7 March 2012, http://ajw.asahi.com/article/behind_news/politics/AJ201203070025

6. CHINA, THE THREE WARFARES AND THE SOUTH AND EAST CHINA SEAS

PROFESSOR GEOFFREY TILL

Introduction

This paper explores Chinese policy towards the South and East China Seas through the lens of the so-called 'three warfares' – a concept used as a framework for the analysis of Chinese policy, by the Republic of China Defense Report of 2011, for example.[734]

The three warfares are 'public opinion warfare', 'psychological warfare' and 'legal warfare'. They are all closely inter-related in target and approach and are intended to make effective soft use of China's hard power. The concept is covered in professional military education for PLA officers while local governments and scientific institutions are encouraged to adopt this approach as well. According to the ROC's Defense Report: 'The PRC attempts to disunite the ROC with talks of 'peace,' intimidate and pressurize the ROC with talks of 'war,' hoping to 'wage small wars and win big victories' and 'win without fighting'. The Three Warfares

734 Republic of China, *National Defense Report, 100th Anniversary,* pp 75-6.

'…is a means for bringing the PLA military's soft power into full play' and is considered by the ROC, at least, as a means by which the mainland hopes to realize the Sun Tzu aspiration of securing victory without having to resort to war.

This analytical approach is often reinforced by reference to China's 'strategic culture'; here the traditional game of 'Go' (or 'wei qi') based on circumventing encirclement is often referred to illustratively. Focusing on such issues is liable to lead to the conclusion that that China is capable of producing a richer, more sophisticated and longer term set of strategies than its neighbours and potential competitors. This kind of interpretation is reinforced by the rhetoric and style of Chinese policy and by the manifest use made of the superiorities of Chinese culture and traditions in the shape for example of the soft power of Confucius and Rear Admiral Zheng He. When seeking to understand Chinese policy, it is particularly tempting to extend Confucian ideas about harmonious societies based on order, hierarchy and deference to an international setting and to conclude this to be the basis of the new world order that China seeks – an order in which China itself would be central.[735]

This in turn leads on to the conclusion that such a superiority in strategy-making poses real challenges for other countries and could be legitimate cause for alarm if it were used as a means of achieving offensive long-term purposes. Here the fear must be that instead of arising peacefully, China may be embarking on a much more assertive policy of transforming the international status quo and acting as a regional, even global hegemon. Hence the conclusion that China's strategy requires active countering by the United States and its partners.

All this contrasts strongly with the portrayal of Chinese policy by such officials as State Councillor Dai Bingquo at the end of 2010. Dai emphasized that China was

735 This approach is particularly well-manifested in Henry Kissinger,

committed to the Five Principles of Peaceful Coexistence in the South and East China seas and elsewhere:

- China has a win-win approach that does not seek to disadvantage its neighbours
- China seeks to settle all disputes and conflicts through dialogue and negotiation, shelving differences and seeking common ground
- Its Defense policy is strictly defensive, ensuring China's development in a peaceful environment. 'China's military spending is minimal both in aggregate and in per capita terms and cannot pose a threat to other countries'.
- The build-up of its military forces is aimed at upholding sovereignty and territorial integrity over a 22,000 km land border and 18,000 km sea border.
- Its Defense policy is 'neither driven by the Arms race nor the desire to seek hegemony or expansion'.

Instead, China is active in building the international system in order to make the world a better place and had helped deal with global issues as energy and food shortages, terrorism, natural disasters, infectious diseases and financial crises and 'has actively promoted the development agenda, as China's economy had contributed over ten per cent to global wealth and over twelve per cent to the growth in international trade'.[736] 'Peaceful competition' with the United States and others is the preferred option. Those who adhered to stereotypes such as 'the China threat theory' have 'misunderstood' China.

Alternative Explanations

So, in regard to the South China Sea, which narrative explains Chinese policy and anticipated trajectory better – the three warfares approach which is closely

[736] Dai Bingguo, 'Stick to the Path of peaceful development' *China Daily*, 13 December 2010. See http://www.china.org/opinion/2010-12/13/content_21529346_3.htm

associated with an assertive portrayal of Chinese policy, or the peaceful rise theory of China's ? Either way, the concept of the 'three warfares' is a useful device for capturing and exploring the workings and significance of the apparently comprehensive nature of the Chinese approach to the South and East China Seas.

But the danger in accepting the three warfares concept even as an investigating tool lies in the risk of making too much of the distinctiveness and exceptionalism of China when compared to the approach of the other claimants to jurisdiction in disputed parts of those areas of the Western Pacific. These days, after all, most countries aspire to a 'comprehensive' approach to security issues which integrates political, economic and military policy. But the use of the three warfare concept might also exaggerate the extent to which China is following a carefully concerted and comprehensive plan in order to secure aggressive strategic advantage in the East and South China seas.

Accordingly, two more alternative propositions arise. The first is that Chinese policy towards the South and East China Seas is *not* in fact all that concerted- instead it is beset with unresolved choices, dilemmas and inconsistencies. The Chinese stumble from one crisis to another like the rest of us. The second possible explanation has to do simply with asymmetries of power. The effects of Chinese policy felt by other players in the Western Pacific can instead be attributed, not to conscious assertiveness but instead to the impact of the natural and unplanned 'displacement' consequences of a new great power, entering the water, uncertain of its role and relatively inexperienced. Here the argument is that China is not particularly aggressive in its policy; it is simply big, when compared to its neighbours but not as aware of the consequences and implications of that geostrategic fact as it should be.[737]

[737] These include having sometimes to accept being suspected, not always succeeding in national aims even against weaker smaller and on occasion being bullied by them.

Accordingly, the three warfare approach will be discussed from all of both these angles ending with a review of the extent to which China is currently capable of actually concerting a coherent campaign towards the South and East China Seas

China's Attitude to the Sea

But, first, China's general attitudes towards the sea need to be examined before the paper can move on to how its leaders seek to achieve their aims and our assessment of what thiose aims are. Chinese policy towards the South and East China Seas reflects three aspects to the country's attitude towards the sea in general.

The Sea is a stock resource[738] especially because of the fish, oil and gas to be found in the East China Sea. Most fishermen there are in fact Taiwanese. Fish stocks are important in the South China Sea with hope of extensive oil and gas (not least through the presence of gas hydrates) there too. Marine resources are an essential part of the greatly increased maritime aspects of China's latest 5 Year Plan. The sheer size of China's fishing industry makes it an important domestic constituency. All of this helps explain why President Hu, in his parting address at the 18th party Congress ('The Big 18') enjoined China to be 'a maritime power'.

The paradox is that the unsettled nature of jurisdiction over the South China Sea reduces the prospect for the development of its oil and gas potential, and limits marine protection of the area and its living resources, with the result that the fish take is unsustainably high, the habitat put at risk, and safety considerations neglected. China considers this a justification for its annual fishing moratorium, first in the Yellow Sea and East China Sea in 1995 and then imposed in parts of the South China Sea from 1999.

738 China's greater participation in the world trading system will lead to growing appreciation of the sea as a 'flow resource' as well

The Sea is an area of sovereignty to be defended. Outsiders often overlook the very basic point that the Chinese genuinely believe the South China Sea to be theirs, on historic grounds. They believe themselves to be *resisting* not effecting changes to the status quo.

While the archaeological evidence of occupation assembled, for example, in the spectacular new museum in Haikou may not be wholly persuasive[739] the documentary evidence being processed, assembled and presented by the National Defense University in Taipeh from the diplomatic archive brought over to the island by Chiang Kai Shek in 1949 on the other hand helps show why some authoritative Western scholars have concluded that China does in fact have the better claims in both the South and East China seas.[740] Chinese officials – both civilian and military- and the Chinese public have no doubt that this is the case. Given the way the issue is taught in school, it would be surprising if they felt any other way about the matter. The recent and gratuitous appearance of the '9 Dash Line' in the route maps of Chinese airline magazines and the background images of the pages in new Chinese passports suggests further reinforcement of this view.[741]

The only doubt occasionally encountered is whether securing their historic rights is actually worth the probable cost in both political and economic terms. A generous concessionary settlement (which might for example limit ownership claims to the features in the area rather than extensive areas of water) or the long-term shelving of the issue might, it is sometimes argued, in fact be more in China's longer term interest, especially if the current survey work now going on in the South China Sea shows that the extent of the recoverable oil and gas reserves in the area is much

[739] It is hard to accept that the population of the Paracels ever reached the stage where it required the large amounts of ceramics on display there for example. These artefacts look much more like the recovered cargoes of wrecked ships passing through the area than evidence of occupation.
[740] See for example 'The Diaoyutai Islands: An Inherent Part of the Republic of China (Taiwan) (Ministry of Foreign affairs, Taipeh, May 2012).
[741] 'China's passport move stokes South China Sea dispute' *IISS Strategic Comment* 12 December 2012.

less than anticipated by earlier Chinese scholars – as many in the industry suspect will prove to be the case. Even so, for China, the starting point is that both areas are 'indisputably' theirs and all aspects of their behaviour reflects that simple assumption.

Unauthorised foreign activities within national territory have therefore to be regarded with strong disfavor.[742] When asked recently by an *Asahai Shimbun* reporter why China was so concerned about the South China Sea , Rear Admiral Wu Shengli, Commander-in-Chief, PLA[N] replied: 'How would you feel if I cut off your arms and legs ? That's how China feels about the South China Sea'.[743]

The Sea is a Defensive Moat.

China's a strategic culture of course reflects its historic exposure to threats from across its land borders, most obviously to the north, but also the disastrous consequences of its incapacity to defend itself from attack from the sea by the Japanese and a variety of Westerners. China seems often to see itself as potentially encircled by foreign forces by land and sea in a kind of reverse mirror image of the strategic manoeverism approach adopted by the United States. The idea that they might be 'contained' runs deep in the Chinese strategic psyche. It affects the way they interpret the western concept of 'hedging' for example. Instead of accepting the analogy as an economic and temporal device to secure oneself against the future in an uncertain market (hedge funds) it is seen as a *geographic* delimitation of an area designed to keep others out (hedges round fields). The Chinese approach to the sea is also still much less global and more local than the American.

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[742] 'China warns US to Stay Out of Islands Dispute' *New York Times* 28 July 2010. The 'Netizen Effect' applies as well to the other South China sea claimants of course, not least Vietnam as exchanges over the incidents of early 2011 have made clear. Thomas J. Christensen, 'Posing Problems without Catching Up: China's Rise and Challenges for US Security Policy' *International Security,* Spring 2011, pp 5-40.

[743] Quoted in William Choong, 'Mistrust hurts naval cooperation in region' *The Straits Times*, 27 May 2011.

Accordingly, Chinese commentators regularly and publicly condemn the 'forward presence' of US naval warships. Thus PLA Major-General Luo Yuan : "the so-called forward presence means that the United States can send its gunboats to every corner of the world…This way, the United States can even claim the Yellow Sea and the South China Sea is covered within its security boundary'. [744] They point out that were the USS *George Washington* to have sailed into the Yellow Sea in 2010 I the aftermath of the sinking of the ROKS *Cheonan*, its aircraft would have been capable of reaching Beijing. Hence their sensitivity to the unauthorized presence and activity of foreign warships in 'Chinese waters'.

Applying the Three Warfares Concept

All three imperatives would seem to point to a policy of China's seeking to secure the near seas through a coherent strategy that integrates the three individual but already closely related strands in the three warfare concept. Firstly, many would argue, it would be a question of using the international law of the sea as a means of changing the perceptions of relevant governments, both directly and indeed, indirectly, by influencing domestic public opinion and international legal opinion. Secondly, the weaving together of economic, political and military pressure should again, hopefully, change the perceptions of governments and their publics adding the psychological dimension to the legal, and contributing thereby to eventual acceptance of the Chinese position.

Lawfare

Thus 'lawfare' (the strategic use of the law) is considered an important characteristic of Chinese policy towards the East and South China Seas. China's

[744] Luyo Yuan, 'PLA General: US engaging in gunboat diplomacy' *People's daily,* 12 Aug 2010. Cited in Manicom, op cit.

attempts to secure the near seas through legal means have led it to by making use of five sets of legal tactics all of which are controversial.[745]

Firstly, under UNCLOS, maritime jurisdiction is measured from 'baselines' derived in the main from the physical characteristics of the coastline. The baselines adopted by China are widely held to be inconsistent with the principles outlined in UNCLOS and generate excessive possible areas of jurisdiction. Amongst claimants to the South China Sea, China is by no means unusual in this however

Secondly, they claim historic title to all features in the South China Sea, most obviously the Spratly and Paracel islands and to the areas of jurisdiction which these features generate, under UNCLOS. Historic title is also important to their claims for the East China Sea.

Thirdly, they seek to limit the rights of foreign warships within the EEZ, in a manner which the US, Russian and Western governments consider inconsistent with UNCLOS.

Fourthly, they seek to buttress their positions by the passage of domestic legislation (most obviously the 1992 Water Territory act) and the setting up of new maritime administrative centres, first on Hainan island and then by the establishment of 'Sansha City' on Woody island in the Paracels. The integration of legal and administrative policy in this way is typical of the 'twisted rope' characteristics of the 'Comprehensive approach', NATO's equivalent of the three warfares.[746]

Fifthly, whether deliberate or not, much of their policy is wreathed in ambiguity, either to confuse other claimants or to leave room for subsequent manoueuvre.

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745 This paper will not attempt to assess the rights and wrongs of these positions; instead it focuses on the way that Beijing advances them.

746 "China blamed for escalating South China sea tensions' *Thanhniennews* 30 Mar 2012. (E)

Hence the observation of Singapore's Ambassador Tommy Koh, one of the leading authorities on UNCLOS:

> The Chinese claim is not clear. The ambiguity is caused by a map which was attached to a Chinese official note to the UN on the outer limits of its continental shelf under UNCLOS in May 2009. The map contains nine dashed lines forming a U, enclosing most of the waters of the South China Sea. The map was first published in 1947 by the Republic of China under the Kuomintang, prior to the founding of the People's Republic of China.
>
> What is not clear is whether China is claiming sovereignty over the maritime features enclosed by the lines or to both the features and the waters so enclosed. If the former, this is consistent with the convention. However, if the latter, then China's assertion of rights, based upon history, to the waters, is not consistent with the convention. The convention does not recognise such rights. When China acceded to the convention, it agreed to be bound by the new legal order set out in the convention. Under the law of treaties, when a state becomes a party to a treaty, it is under a legal obligation to bring its laws and conduct into conformity with the treaty.[747]

Objectivity however requires these condemnations to be offset to some degree. Firstly, many of these accusations could equally well be levied against the other claimants to the features and waters of the South and East China Sea. Many other baselines in the area are of dubious physical and therefore legal validity. The passage of domestic legislation merely establishes what the nation thinks is the case not what *is* the case. For instance, in 2012 Vietnam's National Assembly passed a maritime law that laid the legislative basis for control of its claimed

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747 Tommy Koh 'Mapping Out Rival Claims To The South China Sea' The Straits Times Tuesday, September 13, 2011.

territorial sea, Exclusive Economic Zone, continental shelf and continental shelf islands, after which the government opened exploration in blocs claimed by China, and the Philippines did the same. China protested over both sets of action and upgraded the Sansha administrative unit to a 'city' providing it with jurisdiction over the Spratlys, Paracels and Macclesfield bank and opened exploration licenses in blocs claimed by Vietnam as already discussed. Tit-for tat domestic legislation of this kind is simply part of the competition, all claimants engage in it, but it does not establish title.

The US takes no position on who has jurisdiction in the South China Sea but it does take strong exception to China's views on what foreign warships are entitled to do in the EEZ. This is arguably the most contentious law of the sea issue between the two countries. But, again, China is not alone in its views; indeed there is the fear that such interpretations, unless actively challenged, could become state practice and customary law over time.[748]

Nor is China alone in the ambiguity of its jurisdictional claims. This is true of most claimants to both areas of the Western Pacific.

Finally, it has been authoritatively argued that none of the claimants have paid due regard to their responsibilities (rather than their rights) under UNCLOS particularly the requirement in Part VIII to act 'in a spirit of cooperation and understanding' to agree provisional arrangements pending final delimitation especially, given the regime of enclosed and semi-enclosed seas to the special needs of the South China Sea'.[749] Philippine and Chinese domestic legislation for example prohibits the taking of coral, turtles and live sharks, and the Scarborough

[748] Although paradoxically, the policies of such other countries may be aimed against China rather than the United States, especially in the case of Vietnam.

[749] Ian Townsend-Gault 'Regional Maritime Co-operation and Academic Research: Promoting the Advance of an International Legal Imperative' presented at 2012 International SLOC Conference, ROC. See articles 74(3) and 83(3) UNITED Nations Convention on the Law of the Sea.

Shoal incident began when the Chinese prevented Philippine Coastguard vessels from attempting to arrest Chinese fishermen for doing just that. The fact that the Chinese did not seek political/environmental capital by publicly arresting the fishermen themselves suggests that they were more interested in questions of sovereignty than of environmental protection. It is by no means clear though, that they are worse in this regard than the other claimants.

It can, moreover, well be argued that China, far from pursuing some long-term strategy of calculated deception and in common with most other claimants to areas of the South and East China Sea areas is in a long and difficult process of sorting out what its legal position actually is , and what the precise substantive and physical coordinates of its claims to sea areas actually are. Until this long-overdue process is complete, ambiguities and inconsistencies are inevitable, a continuing cause of concern and friction but by no means attributable to Beijing alone.

Public Opinion and Psychological Warfare

These two aspects of the three warfares concept will be treated together since influencing public opinion is in fact an indirect means of pressuring governments. Both can conducted through a combination of economic, political and military means.

Economic means

The Chinese show every sign of making the most of their relative economic power, when pursuing their aims in the South and East China Seas.[750] This can be a matter of carrot (attraction) as much as stick (coercion). Critics of the now failed Joint Marine Seismic Undertakings agreement of 2004 for the exploration of the South

[750]Pei Shing huei, /'Spate of recent cases may indicate China's emergence as a trade bully'. And Sungo ito, 'japan Inc. sees 'China risks' anew iun island row: analysts' *The China Post*,(Taiwan) 28 Sep 2012.

China Sea agreed initially between China and the Philippines (but with Vietnam joining in 2005) alleged that the signing of the agreements was agreed in exchange for official development assistance from the PRC to fund government projects. They further alleged that Philippine interests had been 'sold out' since the agreements covered 24,000 square kilometers of undisputed Philippine territory and encroached on some 80 percent of the Kalayaan group of islands claimed by the Philippines.[751]

Another example of the persuasive/attractive effect of economic power was the widely alleged influence that Chinese financial inducements had on the Cambodian hosts of the ASEAN Foreign Ministers meeting in July 2012, but which for the first time ever closed without a final communiqué (which would probably have included reference to current concerns in the South China Sea).[752] The attractive power of the Chinese economy poses challenges for China's neighbours, who see China as their main economic partner but recognise the US as its principal security guarantee. They are thus 'torn' allies, being posed with potential choices they would much rather not have.

Inevitably, China's economy has an impact on the economies of its neighbours simply as a function of its size. The introduction of large Chinese factory fishing vessels into the Western Pacific puts obvious pressure on the smaller artisan fishermen of Vietnam and the Philippines since they engage in a style of industrial fishing more like a form of warfare against all living sea resources than fishing as

[751]See: "Stirrings over Spratlys," dated 10 March 2008, at http://pcij.org/blog/2008/03/10/stirrings-over-spratlys (accessed 27 February 2012). Mr. Eduardo V. Manalac, then President and CEO of the Philippine National Oil Company, who was the representative of the Philippines signing the two Agreements, was later charged with "grave misconduct and conduct grossly disadvantageous to the interest of government service" for violation of the Anti-Graft and Corrupt Practices Act or Republic Act No. 3019 by a Philippine Order issued on 3 February 2006. See: "PNOC Corruption – Anti Graft – Eduardo Manalc" at http://sukhin-energy.net/PNOC_CORRUPTION.html (accessed 28 February 2012). 'Set aside dispute and pursue joint development' Ministry of Foreign Affairs, China, 17 November 2000. See, Aileen S.P. Baviera, 'Philippine Perspectives on Joint development in the South China Sea' Presentation at the 2012 International SLOC Conference, ROC, Taipeh, 25-6 September 2012.

[752]PacNet46, 23 July 2012, CSIS Honolulu.

traditionally understood. And the effect of this is buttressed by the vast numbers of artisan fishermen in places like Hainan and Hong Kong too.[753] The same goes for Chinese oceanic research capabilities in consequence of their greatly superior investment in survey ships, training and education, and their willingness to 'open' potentially oil and gas bearing blocs in the South China Sea claimed by other countries.[754]

This determined pursuit of oil and gas possibilities in the South China Sea, now that China has the increasing ability to do so, suggests that China, in common with other countries in the region, while well aware of their rights under UNCLOS are much less interested in their environmental responsibilities in looking after the sea, which is worrying given its vulnerable, semi-enclosed nature.

On the other hand, China has made more deliberately coercive use of its economic power too. For instance, pressure on Japanese businesses quite often accompanies tension spikes in the East China Sea. In 2010, it was over the export of rare earth minerals to Japan; in the Summer of 2012 there were widespread attacks on Japanese businesses and a sharp falling off in numbers flying to Japan from China on JAL.[755] Earlier in 2012, in the dispute with the Philippines over Scarborough Shoal, exported Philippine bananas suddenly became an object of bureaucratic disruption and public disdain. It all looked like a carefully crafted campaign of economic pressure intended to buttress China's stance on its claims for the Diaoyu/Senkaku islands and Scarborough Shoal respectively.

The attractions of economic pressure (effective but less escalatory than the use of military force) have led to China's disruption of fishing and survey vessels

[753]Zhang Hongzhou, China's Growing Fishing Industry and Regional Maritime Security. RSIS Commentary June 2012 available at RSISpublication@ntu.edUSg.
[754]'Rare protest in Vietnam over China claims to offshore oil blocks' *Chicago Tribune*, 1 July 29012.
[755]Yoshio Takahashi, 'JAL Slashes Flights to China' *Wall Street Journal* 24 Sep 2012.

operating in much of the South China Sea. Despite constant protestation to the contrary from Beijing, it is not inconceivable that this in turn might lead to policy of seeking to regulate the passage of foreign merchantships through what they regard as their waters in rather the same way as China seeks to limit the freedoms of warships operating in the same zone. This point illustrates the way that the three warfares spill into each other, and if carefully integrated, mutually reinforce their effectiveness. In some future spat with Taiwan, for example, pressure on an Evergreen merchantships might be just such a development.

But a policy of reliance on economic pressure has its limits and its dangers for Beijing since economic dependence is not a one-way street. Beijing is well aware of the economic potential of ASEAN which by 2030 will be 760 million people with a budget of $3 trillion, and is in a good position to become its main trading partner in way in which would benefit China as much as it does the economies of Southeast Asia. During the Diaoyu/Senkaku crisis in the late summer of 2012, Prime Minister Noda of Japan, referring to the attacks on Japanese property in China pointed out that these activities would scare international investors away from China, and jeopardize existing trade relations. Such pressure, it has been suggested might persuade Japan to join the US supported to Trans-Pacific Strategic Economic Partnership Agreement , (TPP) despite its domestic reservations about its tariff-abolition threats to its agricultural industries.[756] In the same way the disruption of rare earth minerals to Japan in 2010 had two undesirable side effects from Beijing's point of view. Firstly it reinforced the 'China threat theory' thereby strengthening the diplomatic hand of its adversaries. Secondly, it led to Japan making alternative arrangements with Vietnam and India, of the sort that the

[756]Togo Sekiguchi and George Nishiyama, 'Noda Warns China Over Islands Spat' *Wall Street Journal* 24 Sep 2012. Also in the same edition, Mitsuru Obe, 'japan may Switch Focus to USW.- led Pact and Shen Hong , 'Chinese Stocks take a Drubbing' ; for the dispute over the TPP, see IISS Strategic Comments 'Pacific trade accord raises difficult issues'. 4 Sep 2012.

Chinese could well see as still further evidence of the kind of strategic encirclement it most fears. Both of these unwanted outcomes could be seen as partly the consequence of its own policy.

Moreover allowing, or even encouraging, island disputes to infect normal commercial linkages between the disputants escalates the situation, (even though it might of course be considered less escalatory than the use of maritime force) because it helps make these disputes appear disproportionately important in the disputants' larger political and economic relationships. The real importance of these economic linkages however is demonstrated by the fact that normal trade between disputants has in fact continued despite their disagreements. This underlines the point that these disputes, for all their clash and drama, are in fact only a relatively small part of the overall interactions of the countries of the area. Thus China and Japan continue working for a free trade agreement despite their political differences. [757]

Political Means

The Chinese insistence on bilateral negotiation between claimants and the preference of some of the other claimants for a multilateral approach is a major source of difficulty in managing still less resolving the South China Sea dispute. The Chinese case is that given the over-lapping nature of the claims, the situation is too complicated for a general multilateral approach, and especially for one containing outsiders like the United States or Japan. Privately, Chinese officials make the point that negotiators can be more candid about the national sensitivities and difficulties they face and the concessions they might make in discreet bilateral negotiations than they could in more public multilateral fora.

[757] China cancels high level military visit to Japan' AFPI Staff Writers, 23 May 2012.

Multilateralists, on the other hand worry about smaller countries being bullied in a bilateral setting and express doubts about Chinese promises that they would not be. They make the point that it is just because the claims overlap, that progress can only be achieved multilaterally. Their problem, though, is the lack of multilateral framework which they could use. To judge by the recent inability of the ASEAN summit in Phnom Penh to issue a final communiqué that organization is fatally compromised as a negotiating forum for the settlement of the dispute by the evident differences between the claimant states on the one hand, and by the differences between them and the non-claimant states such as Thailand, Myanmar, Laos and Cambodia on the other.[758] The attitudes of the latter are significantly influenced by Chinese financial overtures, in what certainly appears to Beijing's critics as a classic example of 'divide and rule'.

Accordingly, the requests for support from fellow members of ASEAN by Vietnam and the Philippines have not achieved the results for which they hoped. Although there is every sign that such difficulties will be resolved sufficiently to ensure the continued progress and development of ASEAN itself, given the overwhelming interests of all of its members that it should continue to do so,[759] there seems very little prospect of its acting as multilateral agency for negotiating a solution to the South China Sea problem. Even the operationalisation of the 2002 Declaration of Conduct into a mandatory code controlling the behaviors of the claimants currently seems well beyond the organisation's capabilities.

In consequence, China might be felt, especially by Vietnam and the Philippines to have a substantial diplomatic advantage, which they need to try to offset by drawing in other countries to some extent – and most obviously the United States,

[758] Compare Goh Sui Noi, 'China Splits ASEAN' *The Straits Times.* 6 Aug 2012 and Sin Serey (Cambodian Ambassador to Singapore) "Cambodia acted in ASEAN's best interests: Ambassador' *The Straits Times* 9 August 2012.
[759] 'United Asean and good ties with China 'reinforce each other'. *The Straits Times* 11 Aug 2012.

but also to a degree India, Japan and Australia. Both countries therefore seek from the United States and others expressions of political interest, economic involvement through the participation of Western oil companies, the supply of naval/coastguard equipment, a naval presence and the conduct of joint exercises – their equivalent of the 'three warfares' in fact. They know that an expanded role in the South China Sea by the United States, India, Japan and Australia is deeply unwelcome to Beijing; hence they hope that the prospect of this happening will deter the Chinese from taking robust courses of action in Defense of their South China Sea interests.

This must be deeply frustrating to the Chinese especially as they see other claimants incrementally building up their positions on South China Sea features that they regard as their own. Thus, according to one Hong Kong based media group the problem was the activities of certain countries: "double speed-up" (□□□) (speed-up of actual occupation □□□□□□ and speed-up of unilateral exploitation □□ □□□□) along with three "becomings" (□) -- "military stationing becoming normal practice, military fortification becoming perpetuated, and military position becoming deeper. "(□□□□□□□□□□□□□□□□□□).[760]

The Chinese leadership clearly finds a substantial American role in the South China Sea deeply unwelcome and has often warned Washington of the dangers of against taking one up. Nonetheless this is counter-balanced by reference to the community of interests the two great powers have and the extent to which those interests intertwine. This is the message behind China's willingness to participate in a programme of ship visits, low-level naval exercises and Coastguard co-operation, although to date these maritime interactions have been notably

[760] See: "China Must Curb the Relevant Activities of Occupation on Islets by Nan-Hai Countries: Hong Kong Media Says" (□), in Chinese, at http://mil.news.sina.com.cn/2009-07-14/1218558823.html .

shallow when compared to those the United States enjoys with its allies and other partners. Continuing uncertainties in Beijing about the balance between co-operation and competition in the relationship between the two countries is likely to make the future development of this naval togetherness rather slow.

Military Means

The impressive growth in Chinese military-technological capability, whether measured by its expanding Defense expenditure, [761] order of battle, its satellite global navigation system or its deep diving research submarine is increasing the sheer disparity between its maritime capability and that of its neighbours, a disparity of which they are well aware. [762] It provides a major source of 'soft power'. Paradoxically, this also raises complex issues for the Chinese leadership such as the balance it should now strike between a focus on its near seas and on its increasingly global interests, from the South Pacific to the Arctic on the one hand, and between its maritime and continental perspectives on the other. Many of these are the natural dilemmas and choices of a rising power; within China, opinions on all this differ and complicate policy, not least in the South China Sea.

In both the near seas and more distantly, China makes extensive coercive and cooperative use of the maritime power provided by its expanding navy and coastguard agencies. Its declaratory 'harmonious ocean' policy, its increasing willingness to cooperate with Western and other forces in combating the various forms of maritime crime[763] (including the counter-piracy mission in the Gulf of

[761] For a concise and detailed review see Richard Bitzinger, 'China's New Defense Budget: What Does It Tell Us ?' *Commentary* 060/12 at rsispublication@ntu.edUSg.

[762] 'Submersible sets new China dive record' by Staff Writers;Beijing (AFP) June 15, 2012; 'Chinese navigation system to cover Asia-Pacific this year' by Staff Writers Beijing, China (XNA) May 22, 2012.

[763] 'China, US smash international arms trafficking ring' Staff Writers Beijing (AFP) June 12, 2012; Qian Xiaohu, 'China's navy engaging in unprecedented coordination with India, japan on anti-pircay patrols' *Xinhua/AP* 3w July 2012.

Aden)and its admittedly hesitant engagement in the discussion of naval confidence building measures with the United States (such as the MMCA) all suggest a developing navy willing to assume greater responsibilities in Defense of a world order centred on sea-based trade and to cooperate with others engaged in the same kind of low-intensity tasks of dealing with the threats posed by maritime crime and the like. The international cruises of its hospital ship, significantly named the ‘Peace Ark,’ late engagement in HADR activities and a slowly developing programme of ship visits and naval exercises with others reinforce the point.

The joint patrols and hot lines established between the Vietnamese and Chinese navies in the Gulf of Tongking reveal that this policy applies also applies to the sensitive South China Sea. In the main, enforcement actions of its claims there and in the East China Sea have been conducted by the coastguard agencies rather than the navy which many would see as much less provocative and escalatory. Successive crises in the East and South China Seas have so far been controlled by the willingness of China to engage in de-escalatory tactics agreed formally or informally with other claimants. Thus in the summer of 2012 both China and the Philippines agreed effectively to shelve the Scarborough Shoal incident for the time being by withdrawing most of their enforcement and fishing vessels from the disputed area in a coordinated manner.

On the other hand, critics have been quick to pick out the limitations of all this naval cooperativeness. There have been repeated complaints that whenever outsiders use established hot lines, no-one picks up the phone at the other end either because they are not prepared to accept the responsibility for doing so, or as a deliberate piece of hard-bargaining. Indeed the readiness with which China suspends negotiations about CBMs in times of stress suggests that they see the conduct of talks of this nature as a negotiating tool about other things rather than a

means of improving relations with the US Navy. The MMCA talks have been made limited progress because the Chinese insist on talking about matters of principle and maritime law, where the Americans wish to focus on the tactical means of controlling the outcome of incidents such as the harassment of the USNS *Impeccable* in March 2009.

Moreover this incident usefully reminds us that in fact the most assertive enforcement of Chinese policy in the East and South China Seas has in fact been by vessels of China's coastguard agencies. The remarkable build-up of these agencies in recent years can therefore be taken as evidence of a toughening of more easily usable capability rather than a switch to a softer and apparently less escalatory type of enforcement capability. Certainly in the stand-off with the Philippines over Scarborough Shoal in the early summer of 2012, China derived some diplomatic advantage from the fact that the Philippines could only respond to the developing crisis by sending in its biggest naval vessel (although this is in fact a refurbished US Coast Guard cutter). The spectacle of competing coastguard forces water-cannoning each other around the Senkaku/Diaoyu islands not only reinforces the point, but adds the suspicion that civilian agencies may be prepared to engage in *more* risk-taking behaviour simply because they are civilian.

Moreover, there has also been an increasing and potentially much more threatening stress on the Defense of China's near seas against American or other naval/air forces intruding into and operating in the area. This comes in two forms. Firstly, Chinese media commentators, motivated by the perception that the South and East China Seas are areas of resource and sovereignty that need to be guarded against other local states, and no doubt mindful of the impact of this on domestic and foreign opinion, publicly debate the notion that they may need to take on and dispose of the navies of other assertive claimants to the near seas as they did in the

Paracels in 1974 and the Spratlys in 1988/9. Connectedly, the point is made in Chinese Defense journals such as 'Military digest' and 'Modern warships' and combative editorials in the *Global Times* and *China Daily* that the development, maintenance and display of such capacities in exercises should act as a warning against and deterrent for behavior unacceptable to China from neighbouring countries like Vietnam, the Philippines (and indeed Taiwan). [764] Accordingly, large maritime exercises are sometimes held in the South China during particular periods of tension although it is hard to know whether this is coincidental or carefully calibrated. Either way, the appropriate messages are transmitted.[765]

Secondly and this time reflecting China's appreciation of the near seas primarily as a defensive moat, China has instituted an anti-access/area denial 'counter-interventions' strategy aimed at constraining US and Japanese naval action in the near seas. Chinese naval commentators have clearly concluded that the US Navy's Air Sea battle concept is a response to this and one to which they will need to respond both symmetrically and asymmetrically, since they appear to believe that the US strategy is specifically aimed at China. [766]

The real significance of A2/AD may be is to increase concern firstly in the minds of American decision-makers about the legitimacy and advisability of forward operations and secondly doubt amongst the United States' regional partners and allies about the final reliability of the US presence and guarantee. Regional partners are well aware that so far as the public of the geographically distant US is concerned America's forward presence is discretionary - a matter of choice rather

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[764] See Lyle Goldstein, 'Chinese views on naval developments by its Near neighbours: two case studies' in in CNA Maritime Asia Project: Naval developments in Asia Conference Report DCP-2012-U-002417-Final, August 2012.

[765] 'China launches naval war games' AFP Beijing 10 July 2012, tough thgese exercises were in fact held in the undisputed waters of the Zhoushan islands.

[766] See Peter W Mackenzie and Ian M Easton 'Chinese Views of the Air-Sea Battle Concept: A Preliminary Assessment' in CNA Maritime Asia Project: Naval developments in Asia Conference Report DCP-2012-U-002417-Final, August 2012

than geography - so it might be withdrawn if the going gets tough. Here of course exaggerated notions of the effectiveness of Chinese weapons and procedures may well support Chinese policy. Accordingly US credibility is at stake and Washington's allies and partners in the region may therefore need to be convinced that ASB is a viable prospect, not least because they will need to be involved in it as well.

All three aspects of the three warfares approach were demonstrated in the reaction of the Chinese to the putative presence of the *George Washington* carrier battle group in the Yellow Sea after the sinking of the ROKS *Cheonan.* The Chinese pointed out that were the USS *George Washington* to have sailed into the Yellow Sea as intended, its aircraft would have been capable of reaching Beijing, representing its presence as a gross and offensive intrusion into the area.[767] Psychological pressure was added by a number of strong statements and actions by the Chinese military. Editorials in the *Global Times* the English language version of the official *People's Daily,* illustrate the point. The latter said:

> China undoubtedly needs to build a highly credible anti-carrier capacity....Not only does China need an anti-ship ballistic missile, but also other carrier-killing measures...Since US aircraft carrier battle groups in the Pacific constitute deterrence against China's strategic interests, China has to possess the capacity to counterbalance.[768]

Such verbal expressions were backed up by military actions; the PLA[N] followed the incident up with a coastal Defense exercise involving its highly capable *Houbei*

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[767]'Strained US-Sino ties loom at Asia security forum' AFP Writers(Hanoi) 22 July 2010

[768]Staff Writers AFP Beijing, 7 Sep 2010 'China Needs 'carrier-killer missile: press' citing *Global Times* 6 Sep 2010. This was unexpected since China did not protest against the presence of the *George Washington* in the Yellow Sea in 2009.

missile attack craft which looked to the Americans as a politically charged and quite pointed anti-carrier enterprise.

The Chinese must realize, however, that over-reactions to the presence of US naval forces, and indeed in the general assertion of Chinese claims in the East and South China Seas could both well result in increasing *rapprochement* between the United States and China's neighbours, thus stimulating rather than lessening the maritime encirclement that it most fears.[769]

CONCLUSION

This review of China's use of its growing military power to influence its strategic near seas environment demonstrates a wide variety of forms, but in substance if not in style or extent appears to be little different from that of other countries in the region. Occasional outbursts of harsh rhetoric might be dismissed as the kind of dramatic posturing characteristic of Chinese opera, but it does have an impact on the perceptions of others and it does carry enhanced risk of inadvertent escalation. Moreover such displays take on extra significance for China's immediate neighbours cowering under the cliff of its apparent military superiority and for a United States, sensitive to the prospect of a transformational challenge from a prospective peer competitor.

Such a set of conclusions about the extent to which China is adopting the principles of the three warfares in its conduct of policy in the South and East China Seas has finally to be balanced with a return to the two final alternative explanations of that policy identified in the introduction.

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[769]See the discussion in Zhang Yumbi, 'Us-Philippines drill fuels tension' *China Daily* 3 July 2012, Li Qiaoyi, 'Manila, Washington continue naval drill' *Global Times*, 3 July 2012

Firstly, there is the idea that China does not, despite widespread western conclusions to the opposite, in fact *have* a concerted and integrated campaign plan in regard to the South and East China Seas. Instead, this argument runs, China lurches from crisis to crisis like everyone else, in a manner which explains the varying tone and inconsistencies of the policy product. Treating China as though it does have a game plan, if in fact it doesn't, could well result in serious miscalculation by the United States and China's neighbours.

Evidence for this kind of proposition is not hard to find. The extent to which central or local authorities can actually control notoriously independent-minded fishermen searching for new stocks when theirs have run out, or acting unilaterally to preserve their fishing grounds from competitors is far from clear. Certainly the fishing community in Hainan appear to have played a significant role in the Scarborough Shoal crisis of April 2012, just as did the Taiwanese fishermen of Nanfangao who sailed in a flotilla for the Diaoyu/Senkaku islands in September 2012to protest against Japanese policy.[770]

The balance in responsibility between the central and local authorities is not clear either. To the degree that they supported their constituents (and it is hard to see how they could not have done) the authorities in Haikou may well have operated on the age old basis that 'the mountains are high and the Emperor is far away'. The local emphasis was on fishing rights not the international consequences of their action. The central authorities in Beijing for their part will have been more concerned about the sovereignty principle and been far more mindful of international reactions.

Such a view of the leading role of the authorities in Hainan was reinforced in late 2012 by the appearance of the edict that its marine police would arrest foreign

[770]Mo Yan-chih, 'Ma lauds fishermen in islands protest' *Taipeh Times*, 27 Sep 2012.

wrong-doers in ‘Chinese waters’; the vagueness of their term caused great alarm[771] in the region, until it eventually became clear that ‘Chinese waters’ in fact meant territorial sea, and did not imply a change of policy. Two explanations occur. First, this was a trial balloon cleverly intended to mould the perceptions of other claimants by frightening them and then by reassuring them of Chinese forbearance in a manner likely to undermine the initial credibility of future claims of Chinese assertiveness of this kind. Second it might have been the unintended consequence of a policy clarification of some local over-zealous official which got blown out of all proportion by regional media, until Beijing finally stepped in and put a lid on the whole affair. Until China’s policy-making becomes a good deal more transparent, we can only speculate.

The varying views within and between the navy, the legal establishment, the foreign ministry and those driving China’s economic policy have to be taken into account as well. The creation and development of five fully fledged coastguard agencies, all with points of view and budgets to defend will have added yet more complexity. The result in China, as in so many other countries but perhaps worst than most, is likely to be a constantly shifting and much less than perfect integration in the country’s maritime policy perhaps especially at a time of significant political change.

This explains the increasingly accepted need in China for an integrated and coordinated approach that brings together all aspects of the South China Sea and that is attentive to the extent that the many dimensions of the problem interact and influence all the others is the obvious lesson to be drawn from this. It reinforces the conclusion that all the claimants have more or less arrived at – that the adoption of a national maritime policy and the institutional and legal mechanisms that go with

[771] Kor Kian Beng, ‘China’s police get powers to expel ships in disputed area’ *The Straits Times*, 30 Nov 2012; Jane Perlez,’ Chinese plan to stop ships raises alarms in the region’. *International Herald Tribune*, 3 Dec 2012

it needs to be taken more seriously than it has been in the past. Such national maritime policies are to be aimed at anticipating and preparing for events before they occur rather than simply responding to them when they do. A proactive approach of this kind would make the management of the problem more effective and its resolution perhaps a little less impossible if it were partly multilateral rather than purely bilateral and incident-centred.

Accordingly, and encouraged by the shock caused by the ASEAN Forum meeting of 2010, the Chinese government formed a Leadership Small Group under State Councillor Dai Bingguo to coordinate all civilian agencies in their policy towards the South China Sea to would include the Maritime Safety Agency, China Maritime Surveillance, Bureau of Fishery Affairs. [772] This tacitly acknowledged the need for a much more integrated national policy towards the ocean, and most especially the near seas. The problem is that Dai Bingguo himself is expected to step down from his National Security Leadership Group in March 2013, and some of candidates for his position are seen to be rather less conciliating than him.

Developing the need in 2011, Rear Admiral Yin Zhuo, Chairman of the Expert Committee on Navy Informationalization: 'China does not have a clearly defined ocean strategy at the national level'. Economic considerations dominate the policies of agencies within the State Oceanic Administration and 'naturally the Navy has its own ocean strategy considerations, but these are all actions by certain departments and not at the national level'. [773]

There was further movement to this effect in March 2012, with several public calls for a much more coherent maritime strategy at the national level that aims to bring

[772] International Crisis Group, Stirring Up the South China sea (1(), Asia report No. 223, Brussels, April 23 2012, p 33.

[773] Quoted in James Holmes, *China's Maritime Strategy is more than Naval Strategy*' China Brief, Jamestown Foundation, April 2011; 'General calls for New Coastguard to patrol South China Sea' *Wall Street Journal*, 7 Mar 2012; 'Calls for Establishment of Ministry of Oceans' *Xinhua*, 5 Mar 2012.

all the elements together. At the Chinese people's Consultative Conference, Major General Luo Yuan pushed for administrative integration of maritime stakeholders, greater clarity on the implications of the 9 Dash Line and a coherent communications strategy to shape the opinions of audiences at home and abroad.[774] Such concerns have led to calls for the establishment of a "Ministry of Oceans," together with a review of what China's interests, and the actual nature of its claims actually are. Reportedly this is linked to a large scale South China Sea mapping project which might result in the provision of coordinates for China's claims which should clarify at least some of the ambiguities of the Chinese position, for better or worse. A similar project appears to underway in Regard to the Senkaku/Diaoyu islands too.[775] In the same way, there appear to be moves to improve the coordination of China's coast guard agencies with the PLA(N) in responding to incidents in the South and East China seas

The frailties of Chinese leadership,[776] especially in a period of great political change, adds to the current problem since few in the leadership circles would want to incur the dangers of defying public opinion too much, or to antagonize the military.[777] The nature of Chinese decision-making appears to be a good deal more pluralistic and complicated than it was in Mao's time and perhaps less capable of undertaking radical change. This complicates the issue of how foreign governments should respond to it.

The arrival of the social media has had an impact that all governments find hard to control, and also complicates the problem. Toning down the rhetoric and adopting

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[774] Lin Minjiang paper, RSIS

[775] 'Beijing plans to survey disputed islands' *The Straits Times*, 13th March 2013.

[776] Tania Branigan, 'One of the people, or prisoner of the system ? New premier Li takes charge' *The Guardian*, 16 March 2013; John Wong, 'China Watching: Then and now' *The Straits Times*, 13 March 2013.

[777] Benjamin Ho, Oh Ei Sun & Liu Liu 'Beijing's Leadership Transition:Testing Times for China' Commentary 97/20128 June 2012 RSISpublication@ntu.edUSg. 'Top-level militrayt shuffle 'to preserve Hu's influence' *The Straits Times*, 6 Nov 2012.

President Deng Xiaoping's maxim about maintaining a low profile instead would certainly help lower tensions in the South China Sea. [778] From this perspective it is encouraging that both China and Vietnam have agreed to try to 'steer public opinion', and that there are moves to constrain overly assertive military figures in China as elsewhere. [779] On the other hand, it will be difficult for governments to hide incidents and especially concessions from increasingly techno-savvy domestic audiences.[780] All too evidently, 'strategic communications' strategies are increasingly important as a means of safely handling contentious matters like the South China Sea dispute for China as indeed it is also for other countries.[781]

Finally less than perfectly coherent and integrated strategy and leadership in China could well increase the 'displacement effect' that results from the sheer size and power of China when compared to all the other claimants to the South China Sea, because the practice of self-restraint becomes more difficult. Many of the difficulties of the South China Sea could in fact be less the consequence of deliberate and well thought-out policies by China and more a simple function of the increasing power disparities between it the other countries of the area and Beijing's failure so far really to convince others that this disparity simply does not matter.

The persistence of persuasive and alternative explanations for Chinese policy and the undoubted caveats that need to be entered against the way in which each of the three warfares can and should in fact be conducted by China all point to the need to be wary of attributing too much significance to the whole three warfares concept. China like most other countries in the region must be aware of the advantages of a

[778] Philip Bowring, 'The Coalition against Chinese Hegemony in Asia" *Wall Street Journal* 29 Nov 2011.
[779] 'Party moves to rein in the generals' *The Straits Times* 9 August 2102.
[780] Carlyle A Thayer, "From Aggressive Assertiveness to All Quiet on the East Sea Front' Presentation at CSIS Conference, Washington, June 2012.
[781] Ho Ai Li, 'Chinese Media questions sincerity of Japan's Abe' *The Staits Times*, 24 Jan 2013.

holistic and comprehensive approach to the South and East China Seas, but also at the same time, how very difficult it is to develop one. The key question for the United States and China's neighbours, accordingly, is how best to influence China's present and future choices in the development of such a policy.

The Philippine bid to take certain very limited aspects of their claim to the 'West Philippine Sea' to the UN (in which they request a ruling on the water entitlement –but *not* the sovereignty- of certain features within what they claim is their EEZ) can be seen as an imaginative and well thought out lawfare strategy of their own which has put Beijing into an awkward position.[782] If combined with a declaratory policy of seeking improved political relationships with the other claimants, with China itself and with an attempt to stabilize economic linkages while building up its coastguard agencies, and developing linkages with external stake-holders[783] could all be seen as a part firm/part conciliatory model of how local countries should react to the ambiguities of Chinese policy as a means of clarifying them.[784] The danger is that if this is perceived by Beijing as associated with perceived assertiveness by other claimants,[785] then the domestic dynamics of ill-understood Chinese policy-making may result in clarifications in policy that will not be liked. Accordingly, the first priority would seem to be closer investigation, rather than *a priori* assumptions, about the nature of the Chinese policy-making process.

A final point is the extent to which the United States wants or needs to get involved –or should- in this campaign to massage Chinese policy-making on the East and

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[782] Robert Beckman, 'Fireside Chat,' National University of Singapore, 22 Feb 2013. 'Beijing rejects South China Sea arbitration' *Xinhua*, 20 Feb 2013. The title of this piece is misleading. In this case it should read 'Beijing refuses to participate in…' The Arbitral Tribunal will probably go ahead in China's absence and may come to distinctly unpalateable conclusions for China in three or four years' time. Some believe China's uncertainty of how to react to this *demarche* suggests the system does not take sufficient account of their accomplished maritime lawyers.

[783] Jonathan Pearlman, 'manila seeks to elevate ties with Canberra' *The Straits Times*, 24 Oct 2012.

[784] 'Xi calls on Manila to mend ties after row' *Sunday Morning Post* 23 Sep 2012.

[785] 'Japanese jets intercept Chinese plane' *The Straits Times*, 1 March 2013.

South China is an intriguing consequential issue, but one beyond the scope of this paper.[786]

7. THE SOUTH CHINA SEA DISPUTES: "EMPIRES NEVER HAD SOVEREIGNTY"

PROFESSOR MOHAN MALIK[♦]

Executive Summary

- This paper highlights several contradictions in Beijing's use of history to justify its claims to islands and reefs in the South China Sea. Equally problematic is Beijing's polemical assertion of parallels with imperialist expansion by the United States and European powers in the eighteenth and nineteenth centuries.

- An in-depth analysis of the "historical evidence" underlying China's claims shows that history, if anything, undermines China's "historical claims." For, no country can claim sovereignty over the

[786] In some quarters, it has been argued that the ultimate purpose of China's policy on the Senkaku/Diaoyu is to test and perhaps damage the extent of the US 'rebalancing' towards the Asia-pacific by underlining its limitations. This intriguing possibility also rests on a set of untested assumptions about the nature of Chinese foreign policy making.

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islands and reefs on the basis of history for the simple reason that empires and kingdoms did not exercise sovereignty. Sovereignty is a post-imperial notion ascribed to nation-states, not ancient empires and kingdoms.

- In pre-modern Asia, the notion of suzerainty prevailed. Empires were characterized by undefined, soft waxing and waning frontiers. Territorial expansion and contraction was the norm—determined by the strength or weakness of a kingdom or empire. So, the very idea of "sacred lands" is ahistorical because history is mostly about who grabbed or stole what last from whom.

- There is also a basic contradiction (*ji ben mao dun*) in the Chinese stance on land and maritime boundaries. In its land border disputes with neighboring countries, Beijing has long maintained that its land boundaries were never defined, demarcated and delimited. However, when it comes to islands, shoals and reefs in the South China Sea, Beijing claims otherwise.

- Even if one were to accept Beijing's "historical claims" argument, the problem is that the Chinese empire was not the only empire in pre-modern Asia. There were other empires too. And they could have equally valid claims to territories that are currently not under their control but under Chinese control.

- China's so-called "historic claims" to the South China Sea are actually not "centuries old." They only go back to the U-shaped line drawn in 1947 by cartographers of the Nationalist regime in an attempt to enlarge China's "living space" in the South China Sea.

The Spratly islands—a supposedly rich ground for fishing and natural resources—have turned into a flashpoint over the last few years, part of a region-wide escalation of territorial disputes. Chinese leaders and foreign ministry spokespersons maintain that the islands, rocks and reefs have been "China's historical territory since ancient times." Legally, the overlapping territorial claims to sovereignty and maritime boundaries ought to be resolved through a combination of customary international law, adjudication before the International Court of Justice or the International Tribunal for the Law of the Sea, arbitration under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS), or special arbitration under Annex VII of UNCLOS. While China has ratified UNCLOS, the treaty does not mention expressly historic rights or historic title to waters beyond that of historic bays, leaving customary international law as primary in the dispute for China. Since no universally accepted definition of historic waters exists, this treaty by and large rejects lodging "historically based" claims, which are precisely the type Beijing periodically asserts. On September 4, 2012, China's foreign minister Yang Jiechi told Secretary of State Hillary Clinton that there is "plenty of *historical and jurisprudence evidence* to show that China has sovereignty over the islands in the South China Sea and the adjacent waters." Beijing's claims to nearly all the South China Sea are now embossed in new

Chinese passports, based on what it calls “historical facts” and what many Chinese analysts say is “Western imperial precedent.”[787]

However, an in-depth analysis of the “historical and jurisprudence evidence” underlying China’s claims shows that neither history nor law is, in fact, on China’s side. Indeed, the vast majority of international legal experts have concluded that China’s claim to historic title, or historic waters, over the South China Sea, implying full sovereign authority and consent for other states to transit, cannot be met under the primary criteria under customary international law.[788] Rather than delve further into the international legal analysis of these claims, this paper seeks to explore an equally important understanding of China’s claims conveyed in its political narrative that Chinese history indicates an intimate relationship between the state of China and the islands and waters of the South China Sea. To be sure, there is a distinct overlap between China’s political use of history in explaining its origins in the South China Sea and China’s possible international legal defense of its territorial claims given that evidence used on the political side of the ledger would be brought to bear empirically in a legal defense. However, this paper highlights several contradictions and problems in China’s use of history to justify its claims and contends that if anything, history undermines China’s claims to islands and reefs in the South China Sea. Equally problematic is China’s attempt to expand its territorial and maritime frontiers in the twenty-first century by drawing parallels with imperialist expansion by the United States and European powers in the eighteenth and nineteenth centuries.

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[787] Neil Conner, “China claims historical right,” *AFP*, November 29, 2012.

[788] Erik Franckz and Marco Benatar, “Dots and Lines in the South China Sea: Insights from the Law of Map Evidence,” *Asian Journal of International Law*, 2 (2012), 89-118.

For one, no country should claim sovereignty over the islands and reefs on the basis of history for the simple reason that *empires did not exercise sovereignty*. In pre-modern Asia, empires were characterized by undefined, unprotected, and soft waxing and waning frontiers. The notion of suzerainty prevailed. Unlike a nation-state, the frontiers of Chinese empires were neither carefully drawn nor policed but were more like circles or zones, tapering off from the center of civilization to the undefined periphery of alien barbarians. Intriguingly, in its territorial disputes with neighboring India, Burma, and Vietnam, Beijing always stuck to the position that its land boundaries were never defined, demarcated and delimited. However, when it comes to islands, shoals and reefs in the South China Sea, Beijing claims otherwise. In other words, China has long claimed that its land boundaries were historically never defined and delimited but maritime boundaries were always clearly defined and delimited! There is a basic contradiction (*ji ben mao dun*) in the Chinese stance on land and maritime boundaries which is untenable. Actually, it is the mid-twentieth century attempts to convert the *undefined frontiers of ancient civilizations and kingdoms enjoying suzerainty* into clearly *defined, delimited* and *demarcated boundaries of modern nation-states exercising sovereignty* that lie at the bottom of China's territorial and maritime disputes with neighboring countries. Put simply, sovereignty is a post-imperial notion ascribed to nation-states, not ancient empires.

The notion of sovereignty that originated in the sixteenth century Europe was primarily land-based and could not be applied to nation-states in Asia and Africa until the mid-twentieth century. As Martin Jacques notes in *When China Rules the World*, "[t]he idea of maritime sovereignty is a relatively recent invention, dating from 1945 when the United States declared that it intended to exercise sovereignty

over its territorial waters."[789] In fact, the UNCLOS represented the most prominent international effort to apply the land-based notion of sovereignty to the maritime domain worldwide. The UNCLOS itself was, in many ways, a by-product of the US-Soviet Cold War that began in the 1950s and intensified in the 1960s.

It is worth reiterating that sovereignty is neither a Chinese nor an Asian notion but a European one that originated with the signing of the Treaty of Westphalia in 1648. The Westphalian state system based on the concept of legal equality or state sovereignty over clearly defined external boundaries distinguished itself not only from the old feudal system in Europe, but also from other forms of hegemony and suzerainty that existed at that time in Asia—in Persia, China and India. Before the Treaty of Westphalia, kingdoms and empires in Europe and elsewhere could not claim or exercise sovereignty. Empires either won control over territories through aggression, annexation, assimilation or lost them to their rivals. Territorial expansion and contraction was the norm—determined, of course, by the strength or weakness of a kingdom or empire. The very idea of "sacred lands" is ahistorical because history is mostly about who grabbed or stole what last from whom. The frontiers of the Qin, Han, Tang, Song, and Ming dynasties waxed and waned throughout history. A strong and powerful Imperial China, much like Czarist Russia, was expansionist in Inner Asia and Indochina as opportunity arose and strength allowed. The gradual expansion over the centuries under the non-Chinese Mongol and Manchu dynasties extended Imperial China's control over Tibet and parts of Central Asia (now Xinjiang), Taiwan and Southeast Asia. Modern China is, in fact, an "empire-state" masquerading as a nation-state.

[789] Martin Jacques, *When China Rules the World* (New York: The Penguin Press, 2009), 292. The United States made the first claim to the continental shelf in 1945 with the Truman Declaration, touching of a radical period in the relationship of sovereignty to the sea that we are still living through today, the "ocean enclosure movement." It was claimed that sovereignty extended onto the land under the ocean as it connected to the continental land mass.

The People's Republic of China's present geographical limits reflect the frontiers established during the spectacular episode of eighteenth century Qing (Manchu) expansionism, which were then hardened into fixed national boundaries (except outer Mongolia because of the Soviet Union) following the imposition of the Westphalian nation-state system over Asia in the nineteenth and twentieth centuries. History, as is well known, is written by the victors, not the vanquished. To give one example, Chinese textbooks deliberately misrepresent the complex history of relations among Mongols, Tibet, Manchus, and Hans by claiming that they are all Chinese. In fact, the Great Wall was built by the Chinese dynasties to keep the troublesome northern Mongol and Manchu tribes out who repeatedly overran Han China. The Great Wall thus represented the Han Chinese empire's outer security perimeter.[790] While historians the world over see the onslaught of the Mongol hordes led by Genghis Khan in the early 1200s as an apocalyptic event that threatened the very survival of ancient civilizations in China, India, Persia and other nations, the Chinese have calculatedly promoted the myth that he was actually "Chinese," and therefore, all areas that the Mongols (the Yuan dynasty) had once occupied or conquered (such as Tibet and much of Central and Inner Asia) belong to China by retrospectively superimposing the sixteenth century Europe's Westphalian notion of sovereignty over the twelfth century Asia. Accordingly, China's territorial claims on Taiwan and in the South China Sea are also based on the grounds that both were parts of the Manchu empire. (Actually, in the Manchu or Qing dynasty maps, it is Hainan Island, not the Paracel and Spratlys Islands, that is depicted as China's southern most border.[791]) Territory, once conquered, is regarded as immutably Chinese.

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[790] See Nicola Di Cosmo, *Ancient China and its Enemies* (Cambridge University Press, 2004).

[791] See Hoang Anh Tuan, "Chinese Strategic Miscalculation in the South China Sea," *Asia Pacific Bulletin* (East West Center), 181, September 27, 2012, 2.

The writing and rewriting of history from a nationalistic perspective to promote national unity and regime legitimacy has been accorded the highest priority by China's rulers, both Nationalists and Communists. The Chinese Communist Party (CCP) leadership consciously conducts itself as the heir to China's imperial legacy, often employing the symbolism and rhetoric of empire. From primary school textbooks to television historical dramas, the state-controlled information system has force-fed generations of Chinese on a diet of nationalist bluster and imperial China's grandeur. As the Australian Sinologist Geremie Barmé points out, "For decades Chinese education and propaganda have emphasized the role of History in the fate of the Chinese nation-state…While Marxism-Leninism and Mao Thought have been abandoned in all but name, the role of History in China's future remains steadfast."[792] So much so that history has been refined as an instrument of statecraft (also known as "cartographic aggression"—historically a prelude to physical aggression) by state-controlled research institutions, media and education bodies.

China's (mis)use of folklore, myths, legends, and history to chase greater territorial and maritime claims is well known. The Chinese text books preach the notion of the Middle Kingdom being the oldest and most advanced civilization without any peers that was at the very center of the universe, surrounded by lesser, partially Sinicized states in East and Southeast Asia that must constantly bow and pay their respects.[793] The Middle Kingdom is presented as the mother of all civilizations, weaving legends with history and myths to foster a nationalistic political culture centered on the regaining of supposedly lost glory.[794] The Chinese subscribe to the

[792] Geremie R. Barmé, "To Screw Foreigners Is Patriotic: China's Avant-Garde Nationalists," *The China Journal*, 34, (July 1995), 209-234.
[793] Howard W. French, "China's Textbooks Twist and Omit History," *New York Times*, December 5, 2004.
[794] Hugo Restall, "China's 'Victimhood' Breeds Aggression," *Wall Street Journal*, April 4, 2001.

notion that those who have mastered the past control their present and chart their own futures along with those of others. Not surprisingly, Beijing has always placed a very high value on "the history card" (often a revisionist interpretation of history) in its diplomacy for achieving its foreign policy objectives, especially to extract territorial and diplomatic concessions from other countries. Almost every contiguous state has, at one time or another, been a subject of China's revisionist history and felt the force of Chinese arms: Mongolia, Tibet, Burma, Korea, Russia, India, Vietnam, the Philippines, and Taiwan. As Martin Jacques observes: "Imperial Sinocentrism shapes and underpins modern Chinese nationalism."[795] If unchecked, imperial hubris or nostalgia for a return to the past can have unpredictable consequences for regional peace and stability. In a riposte to Beijing's oft-repeated "historical claims," it has been pointed out that "[m]uch of the historiography of [Beijing's territorial] claims is singularly unidimensional and self-serving. While advancing its territorial claims, the PRC has often consciously *blurred the distinction between what was no more than hegemonic influence, tributary relationships, suzerainty, and actual sovereignty*. Most of its claims are, therefore, not rooted in the exercise of the actual jurisdiction, continuity of rule through the post-imperial period, ethnicity, or the popular will in the areas claimed…"[796]

The Chinese claims over the far away islands and reefs have little or nothing to do with history. As noted earlier, pre-modern states, empires and kingdoms existed within *temporary* and *undefined frontiers* in contrast with modern nation-states characterized by clearly *defined* and *demarcated boundaries*. If the idea of national sovereignty goes back to the sixteenth century Europe, the idea of maritime

[795] Jacques, *When China Rules the World*, 244.
[796] Sujit Dutta, "Revisiting China's Territorial Claims on Arunachal," Strategic *Analysis*, 32:4, (2008), 549-581. Emphasis added.

sovereignty is largely a mid-twentieth century American concoction that has been seized upon by China and others to extend their maritime frontiers in the South China Sea. Beijing claims around 80 percent of the South China Sea as its "historic waters" and is now seeking to elevate it to "core interests" (along with Taiwan and Tibet).[797] Historically speaking, however, China has about as much right to claim the South China Sea as its own territory as Mexico has the right to claim the Gulf of Mexico as its own and Iran has the historical right to claim the Persian Gulf for its exclusive use or India has the historical right to the Indian Ocean. In other words, none at all. From a legal standpoint, "the prolific usage of the nomenclature 'South China Sea' does not confer historic Chinese sovereignty."[798] Understandably, the UNCLOS gives little or no credence to the historical claims of rival claimants.

Even if one were to accept Beijing's "historical claims" argument for a moment, the problem is that the Chinese empire was not the only empire in pre-modern Asia and the world. There were others with equally valid claims to territories that are currently not under their control but under Chinese control (e.g., Inner Mongolia, Koguryo/Gando, Yunnan, Tibet and East Turkestan). Unless one subscribes to the notion of Chinese exceptionalism, Imperial China's "historical claims" are as valid as those of other empires and kingdoms in South and Southeast Asia. The problem with history is where and when to draw the line, why, and more importantly, whose version of history is accurate. Interestingly, China laying claim to the Mongol and Manchu empires' colonial possessions would be equivalent to India laying claim to Afghanistan, Bangladesh, Burma, Malaysia (Srivijaya), Nepal, Pakistan, and Sri Lanka on the grounds that they were all parts of either the Maurya, Chola, or the

[797] Minxin Pei, "An Assertive China the 'New Normal'?" *The Diplomat*, November 24, 2010 <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=42011>.
[798] Franckz and Benatar, "Dots and Lines in the South China Sea," 97.

Moghul and the British Indian empires. From the tenth through the thirteenth centuries, several of the Pallava and Chola kings in southern India assembled large navies and armies to overthrow neighboring kingdoms and to undertake punitive attacks on the states in the Bay of Bengal region. They also took to the sea to conquer parts of what are now Sri Lanka, Malaysia and Indonesia. In his study of India's strategic culture, George Tanham observed: "In what was really a battle over the trade between China and India and Europe, the Cholas were quite successful in both naval and land engagements and briefly ruled portions of Southeast Asia."[799]

In old, pre-modern Asia, the principle of suzerainty prevailed. There were no sovereign nation-states with clear, legally defined boundaries of jurisdiction and control before the twentieth century. Many countries can make "historical claims" to lands that are not currently a part of their territory. If China's claims are justified on the basis of history, then so are the historical claims of Vietnamese and Filipinos based on their histories. For, China's version of history is only as important as the Vietnamese, Filipino and others' version of history. Students of Asian history know that Malay peoples related to today's Filipinos have a better claim to Taiwan than mainland China. Originally Taiwan was settled by people of Malay-Polynesian descent, who settled in the low-lying coastal plains. They were the ancestors of the present-day aborigine groups.[800] Noted Asia-watcher Philip Bowring maintains that "the fact that China has a long record of written history does not invalidate other nations' histories as illustrated by artefacts, language, lineage and genetic affinities, the evidence of trade and travel."[801] Though historically never a maritime power,

[799] George Tanham, "India's Strategic Culture," *Washington Quarterly*, 15:1 (Winter 1992), 137.
[800] In the last 100 years, China has ruled over Taiwan only for a few years.
[801] Philip Bowring, "Island mentality ignores history," *South China Morning Post*, April 22, 2012 <http://www.scmp.com/article/998912/island-mentality-ignores-history>.

China's maritime claims in the South China Sea are a radical maritime shift from its traditional continental geopolitical orientation. China makes much of the early fifteenth century expeditions of Zheng He to the Indian Ocean and Africa. As Bowring points out, "Chinese were actually latecomers to navigation beyond coastal waters. For centuries, the masters of the oceans were the Malayo-Polynesian peoples who colonised much of the world, from Taiwan to New Zealand and Hawaii to the south and east, and to Madagascar in the west. Bronze vessels were being traded with Palawan, just south of Scarborough, at the time of Confucius. When Chinese Buddhist pilgrims like Faxian went to Sri Lanka and India in the fifth century, they went in ships owned and operated by Malay peoples. Ships from what is now the Philippines traded with Funan, a state in what is now southern Vietnam, 1,000 years before the Yuan dynasty."[802]

Last but not least, China's so-called "historic claims" to the South China Sea are actually not "centuries old" but only six decades old. They go back to the U-shaped line officially drawn on the Chinese map in December 1946 by the then Nationalist Republic of China (ROC) Government, which was originally an "eleven-dash-line." The Nationalist China under Chiang Kai-shek was plenty martial, Chiang himself saying he saw German Fascism as a model for China. He did not have the opportunity to be expansionist because the Japanese had him on the defensive.[803] Given Generalissimo Chiang's fascination with the concept of *Lebensraum* ("living space") for the Chinese nation, it was no coincidence that a cartographer of the Kuomintang (KMT) Nationalist regime drew the eleven-dash line in 1947 in an attempt to enlarge China's "living space" in the South China Sea. Apparently, the KMT nationalist government was also incensed over the World

[802] Bowring, "Island mentality ignores history."
[803] See Denny Roy, *The Pacific War and Its Political Legacies* (Westport, CT: Praeger, 2009), 11-13.

War II-era Japanese maps that showed the entire South China Sea as a Japanese lake. Questioning the legality of the U-shaped line (which lacks accurate geographical co-ordinates and has never been precisely demarcated) established by the ROC government to politically reassert itself post-World War II, Franckz and Benatar maintain that such a unilateral exercise "can hardly be deemed impartial vis-à-vis other interested states in the South China Sea region."[804] Following the victory of the Chinese Communist Party in the civil war in 1949, the People's Republic of China adopted and revised it as a "nine-dash line" after erasing two dashes in the Gulf of Tonkin in 1953.

Since the end of the Second World War, China has been redrawing its maps, redefining borders manufacturing historical evidence, using force to create news facts on the ground and water, renaming islands, and seeking to impose its version of history. The passage of a domestic legislation in 1992, "Law on the Territorial Waters and Their Contiguous Areas," which claimed four-fifths of the South China Sea was followed by armed skirmishes with the Philippines and Vietnamese navies throughout the 1990s. More recently, the dispatch of large numbers of Chinese fishing boats and maritime surveillance vessels to the disputed waters in what amounts to waging "people's war on the high seas" has further heightened tensions. To quote one observer, "China's unmitigated irredentism [is] based on the…theory that the periphery must be occupied in order to secure the core. [This] is an essentially imperial notion that was internalized by the Chinese nationalists—both Guomindang and Communist. The regime's attempts to reach its imagined geographical frontiers often with little historical basis have had and continue to have highly destabilizing strategic consequences."[805]

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[804] Franckz and Benatar, "Dots and Lines in the South China Sea," 108, 109-110.
[805] Dutta, "Revisiting China's Territorial Claims…"

Apparently, one reason Southeast Asians find it difficult to accept Chinese territorial claims is that it would amount to acceptance of the notion of Han racial superiority over other Asian races and empires. Says Jay Batongbacal of the University of the Philippines Law School: "Intuitively, acceptance of the Nine Dashed Lines is a corresponding denial of the very identity and history of the ancestors of the Vietnamese, Filipinos and Malays; it is practically a modern revival of China's denigration of non-Chinese as 'barbarians' not entitled to equal respect and dignity as peoples."[806] Since there can be no agreement between the Chinese and Vietnamese and Filipinos over how to interpret their shared past, the historical basis of each country's claims ought to be set aside in favor of resolution through dispute mechanisms mandated by the UNCLOS and international law.

To sum up, empires did not have sovereignty. The "history question" is very complex and defies an easy explanation and interpretation. If historical claims had any validity then Mongolia could claim all of Asia simply because it once conquered the lands of the continent. There is no historical basis to support the U-shaped line because unlike a nation-state, the frontiers of Chinese empires were neither carefully drawn nor delimited and defined but were more like circles or zones, tapering off from the center of civilization to the periphery of alien barbarians. This is the position China took while negotiating its land boundary with several of its neighboring countries. That is equally true of China's maritime borders. So there is a basic contradiction in the Chinese stand on the land borders and sea boundaries. In this age historical claims are moot. The continued

[806] Quoted in Wendell Minnick, "Tension Rises over China's Disputed Sea Claims," *Defense News*, September 8, 2012 <http://www.defensenews.com/comments/article/20120908/DEFREG03/309080001/Tension-Rises-Over-China-8217-s-Disputed-Sea-Claims>.

reinterpretation of history to advance contemporary political, territorial, and maritime claims coupled with the CCP's ability to turn "nationalistic eruptions" on and off like a tap during moments of tension with the United States, Japan, South Korea, India, Vietnam, and the Philippines makes it difficult for Beijing to reassure its neighbors that China's "peaceful rise" does not require balancing or hedging strategies.[807] Since there are six claimants to various atolls, islands, rocks and oil blocks in the South China Sea, the Spratly Islands disputes are, by definition, multilateral disputes because they involve several countries. Hence, these disputes require a multilateral solution in a multilateral setting. China's insistence on a bilateral approach – although illogical and unjust – to resolving the dispute is predicated mainly on the belief that Beijing might succeed because of China's superior relative power and ASEAN's fractiousness.

[807] Editorial, "China's Nationalist Furies," *Wall Street Journal*, September 25, 2012, 18.

8. CHINA'S USE OF LAWFARE IN THE SOUTH CHINA SEA DISPUTE

PROFESSOR JUSTIN NANKIVELL[808]

Abstract

The South China Sea dispute is both a legal and a political phenomenon. In the legal realm, China is deploying a destabilizing form of lawfare aimed at achieving narrow self-interest through flagrant disregard for the rule of law. In the political realm, China seeks to gain the upper hand in negotiations and wrest concessions from rival states by questioning the relevance of old legal frameworks to the newly emerging maritime order in Asia. Both dimensions of the dispute are harmful to the immediate environment and the continued good governance of the global commons in adjacent areas. Nonetheless, US policy to counter the Chinese claim has thus far emphasized the legal dimension, articulated almost exclusively with an appeal to a positivist reading of the United Nations Convention on the Law of the Sea (UNCLOS); an effort to address China's political attempts to undermine the treaty's basic provisions and erode the text's relevance to the modern strategic environment remains underdeveloped in policy writing or activity. This is misguided, and cannot achieve the overall outcome that Washington ultimately seeks. Given that US material dominance is not in question in the South China Sea, the challenge for US policy in the next decade is to manage the dispute out of a persistent crisis mode and into a more stable order. Developing the perspectives

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necessary to meet this challenge involves understanding not just the law of the sea but also the regional political and strategic context. Moreover, successfully countering China's two-dimensional strategy involves engaging Chinese lawfare on its own terms, operating in both the legal dimension and the political context in which it resides. Such a counter-strategy to China's South China Sea policy will not seek to contain the dispute in the legal realm, but engage with China's political strategy in the region and in the wider maritime community. It will be articulated unilaterally, bilaterally and multilaterally, engaging China, US allies and partners in Asia, and regional and international organizations in China's strategic orbit. Such a strategy will take aim at both the legality of China's claim and its legitimacy in offering a competing articulation of justice for the new and emerging maritime order. With US material dominance clearly established, the illegality of the Chinese claim exposed, and US legitimacy in maritime affairs consolidated, Washington can bolster strategic stability in geo-political and legal terms, even without compelling Chinese compliance in the South China Sea.

KEY POINTS

- China is practicing a destabilizing form of lawfare in the South China Sea based upon the use of legality and legitimacy claims
- The US and its allies and partners must engage this provocation 'on Chinese terms' in the frames of both legitimacy and legality in order to force transparency and legal clarity into the international debate on the South China Sea
- The US must stress the importance of the law of the sea in terms of its ability to provide order in the global commons and forms of justice that are brought about for all states in maritime affairs through legal compliance

- The US will need to be strategically focused on bringing as many maritime claims as possible in Asia into conformity with international law in order to strip away Chinese claims of US hypocrisy in maritime legal affairs

"All of these claims [of the Spratley islets] have serious weaknesses under the principles of international law that govern these issues. China is the key player and any solution has to be minimally acceptable to it. Unfortunately, its position is not clear, perhaps because of deep divisions among policymakers within its government, and the gap between its words and deeds has widened. Nevertheless, its recent pledge to resolve the disputes peacefully and according to international law and the Law of the Sea Convention offer a glimmer of hope."[809]

"The Chinese position on the South China Sea has been consistent and clear all the time. We all recognize there are broken lines in the South China Sea, but China only claims all the islands and surrounding near-shore waters that belong to China. Secondly, China claims certain types of historic rights, such as traditional fishing rights. China has never claimed the water column or the airspace above the South China Sea as something internal. My personal opinion is to assure the South China Sea has been open to freedom of navigation and overflight all the time."[810]

"It is China's view that the [UNCLOS] Convention is only the first step towards the establishment of a new international legal order for the oceans."[811]

Understanding Chinese strategy in the South China Sea dispute involves moving deftly between the legal and political realms. Sound US strategy must be based on

[809] M.J. Valencia, J.M. Van Dyke, and N.A. Ludwig, *Sharing the Resources of the SCS*, (1997), Martinus Nijhoff, The Hague, p. 1.
[810] Zhiguo Gao, "China and the Law of the Sea", in Myron H. Nordquist, Tommy T.B. Koh, and John Norton Moore, *Freedom of the Seas, Passage Rights and the 1982 Law of the Sea Convention*, Martinus Nijhoff, Leiden, 2009, pp. 294-5.
[811] Zhiguo Gao, *supra note* 2, at 300.

the same technique. From a perspective grounded in the politics of law, this analysis seeks first to better understand China's reasoning with respect to law and the South China Sea as a means of better anticipating Chinese near-term behavior. The analysis then offers a two-pronged approach for US policy with respect to the South China Sea specifically, and to oceans affairs more generally. The recommended policy approach seeks to utilize lawfare productively and on Chinese terms. Such a policy aims not to compel Chinese compliance, but to narrow the space between the rock and the hard place that China has chosen as its position in the legal politics of the South China Sea.

INTRODUCTION

Politics and Law in the South China Sea

The above pronouncements made by the late John Van Dyke, Mark Valencia, Noel Ludwig, and China's representative at the International Tribunal for the Law of the Sea (ITLOS), Judge Zhiguo Gao, taken together, reveal several important strands of thought about how China understands international law in the South China Sea (SCS) dispute. For most Western international lawyers, the current Chinese legal position is opaque and ambiguous. Such has been the perception for almost two decades. At the same time, many Chinese lawyers and policymakers view the Chinese claim as relatively clear and precise. For those supporters, it is only the scope of China's historic rights and historic title that are in question, given that the foundational argument of the entitlement to 'Chinese sovereignty' remains sound. Accordingly, a gulf exists between Western and Chinese legal scholars about how to understand the Chinese claim in the SCS.

But things are far more complicated in the relationship of international law to foreign policy than this divide illustrates. In the contemporary strategic context, it

may be that the two sides are truly talking past one another. Or, it may be that China is in fact being duplicitous in insisting that Westerners simply do not understand China's primary legal claim. Indeed, the idea that China may be engaging in legal debate without any genuine intention to commit to legal principles or bind itself under international law has gained prominence among legal scholars. The resultant charge is that China's is engaged in the practice of "lawfare". Specifically, many Western international lawyers and naval practitioners argue that Chinese actions and public promulgations in SCS strategic affairs betray an intent to use international law purely in instrumental terms. In this conception, China uses law not only to achieve critical policy positions, but to 'supplement' security objectives. Through this technique, the law becomes overly coercive, losing its neutrality and ability to mediate between competing visions of right conduct and common principles. For many American international lawyers, China's use of lawfare is destabilizing not only in the SCS region, but represents an assault upon the foundational components of UNCLOS itself. Chinese practices threaten a return to times of maritime history when the 'territorial temptation at sea' was on the rise, legal chaos on the oceans was dominant, and the ideas of Grotius might have been buried forever.[812]

Thus, beyond the immediate problems of misunderstood legal interpretation and lack of policy transparency, there remains an overarching issue of the continued relevance of UNCLOS in China specifically, but in the developing world more broadly. For as Judge Gao asserts, UNCLOS remains not the final reading of law on matters of ocean governance, but only a specific historical point of reference in the evolution of ocean law as it continues to integrate the developing world into a centuries-old and undeniably Western maritime legal architecture. The role of

[812] Bernard Oxman (2006), "The Territorial Temptation: A Siren Song at Sea", *American Journal of International Law*, 100, 830.

Chinese policy in the broader sweep of international legal history remains a critical long-view inquiry in the SCS debate.

Moreover, to be sure, the issue of how the law of the sea (LOS) resonates with policy in a developing Asia-Pacific remains controversial. As prominent international lawyers have articulated, there remains a categorical problem of "persisting and widespread non-compliance with the Convention", unfolding concurrently with an apparent new period of jurisdictional expansion.[813] There is, and should be, concern among Western adherents to UNCLOS that Chinese policy in the SCS will function as a catalyst for a wide-spread submission to Oxman's 'territorial temptation' in the region, leading the world's oceans to be carved up for narrow domestic purposes. Many Chinese understand their own domestic 'non-compliance' not as a wholesale rejection of UNCLOS, but as limited protests of specific and controversial rules in maritime affairs, erroneous readings of the LOS, or flawed legal principles underpinning continued Western hegemony. Others in the developing world may be inclined to agree. China, like many states, has finally become in its eyes a 'law-maker' rather than 'law-taker', and views numerous areas of the LOS as a hegemonic, American tool, rather than a normative form of global governance. Undeniably, such a view will be characterized as invalid in positivist legal terms and anathema to Western interests. But Westerners cannot dismiss that the Chinese position may make up for its illegality with its perceived legitimacy by many in the developing world with respect to certain aspects of the LOS, particularly in relation to military activities in foreign states' EEZs. In such a context, the US legal interpretation of law in the SCS might be correct, yet could also be only moderately relevant to policy outcomes as the

[813] Robin Churchill, "The Persisting Problem of Non-compliance with the Law of the Sea Convention: Disorder in the Oceans", *The International Journal of Marine and Coastal Law*, 27 (2012), pp. 813-820, at 813; Tim Stephens and Donald R. Rothwell, "The LOSC Framework for Maritime Jurisdiction and Enforcement 30 Years on", *The International Journal of Marine and Coastal Law*, 27 (2012), pp. 701-709, at 709.

customary LOS continues its development in reflecting Asian legal practices. Understanding not just the LOS, but also the regional political and strategic context for legal interpretation, is thus central to charting the way ahead for US policy in the SCS.

AN OUTLINE FOR INQUIRY

Within this problem frame, this paper deals with two equally-weighted baskets of questions. The first considers China's legal behavior and use of law: should Chinese strategic actions and rhetorical deployment of international law be considered engagement with UNCLOS or 'lawfare'? If the latter, what does this tell us about China's wider perspective on its obligations under the law of the sea? What kinds of strategic behavior grow out of this perspective? Section I will argue that China is deploying a destabilizing form of lawfare within its 'three warfares' strategy in the SCS. Chinese policy seems primarily aimed at achieving narrow self-interest through flagrant disregard for not just international law, but the rule of law itself. That said, while China does use law primarily as a tool to accomplish security objectives, it does so by wielding some degree of political and legal nuance. China has chosen to bolster its unusual claims in the SCS specifically by appealing not only to 'formal international law', but also to the law's wider informal, normative and historical underpinnings. That is, many Chinese interpreters argue that in situations in which international law doesn't support Chinese claims, the law may be unjust and illegitimate. In the first instance, such an argument is aimed at both extracting concessions from other states and deepening the domestic legitimacy of China's SCS policy. But in the longer term, this argument ensnares China in a broader discussion with the international community about whether or not the current legal structure of the oceans serves international justice. This broader discussion cannot be dismissed as 'lawfare' or

duplicity in the national interest; it is a policy trajectory, intended or unintended, that will guide the evolution of international maritime law to accommodate the rising powers of the developing world.

Having considered Chinese practices, Section II deals with the essential follow-on questions related to US policy options. This includes two lines of inquiry: what counter strategy might yield stability in the region? Moreover, what counter-strategy might yield both justice and legal consistency in the existing rules-based order for the oceans? The first question is a central inquiry for US-China policy. The second is a question for US maritime strategy and diplomacy more broadly. Last, this paper will ask: In what ways could such a policy be expected to succeed? This section will suggest that a successful US strategy will *take aim at both the* legality *of China's claim and its* legitimacy *in offering a competing articulation of justice for the new and emerging maritime order.* Such an approach must utilize lawfare productively, *but paradoxically on Chinese terms, specifically those that allow China to expound its legal position publicly and thus be drawn into the international public domain to detail its legal claim*. Such a strategy would be operationalized in two parts: first, by inviting China to expound its legal position in black-letter terms and by encouraging US allies to make similar invitations wherever possible. For the United States, this is best accomplished in a bilateral, operational-level forum, perhaps at Fleet-level operational talks in Honolulu prior to the annual Defense Consultative Talks. But this alone will not counter Chinese 'lawfare', which is not simple non-compliance, but an assault on the rule of law itself.[814] The second strand of a successful US strategy will need to

[814] The question of what constitutes 'lawfare' remains unanswered by scholars and practitioners. I here use lawfare to refer to the intentional manipulation of law to achieve narrow self-interest. This can be contrasted with non-compliance that is aimed at changing a specific law perceived to be unjust, but includes a genuine commitment to the principle of the rule of law and the progressive development of the international legal system. That is, lawfare is unconcerned with the wider body of law and legal system, both of which are largely irrelevant in strategic calculations. Non-compliance can also be a protest against injustice with a view to forcing a change or evolution in the wider of body of law for the benefit of all.

squarely respond to those elements of Chinese policy that undermine the concept of the international rule of law. To do this, the strategy must re-position the US as the underwriter not just of UNCLOS narrowly conceived, but of justice and order in ocean affairs more fundamentally. This policy shift would involve two major categories of activities: on the one hand, using the myriad of international and regional organizations in China's orbit as podiums upon which to confirm the United States' commitment to a just order upon the sea and set the foundation for the national development of all states as Asia emerges; and second, backing such a pronouncement up with demonstrable practice, encouraging *all* allies and emerging partners to follow the letter of the law in staking out claims for maritime jurisdiction. Only then can the US counter Chinese rhetoric about containment and hegemony and win the contest for legitimacy and the rule of law.

To date, US policy has been too heavily resting on an appeal to strict legality. Such policy reflects US frustration with Chinese lawfare, flouting not just a fidelity to law but the law's relevance to international affairs. Yet by employing a strategy that both draws China's selectively compliant claims into public view and simultaneously contrasts it with the US commitment to the rule of law *writ large*, the United States can take the lead in shaping an emerging maritime Asia Pacific for a new generation. Appealing to China through the UNCLOS treaty alone in strict terms cannot deliver the same outcome.

SECTION I:

China, the Law of the Sea, and Lawfare

Should Chinese strategic actions and rhetorical use of international law be considered 'lawfare'? If so, what does this tell us about China's wider perspective on its obligations under the law of the sea? There is no question that China

breaches the LOS in its SCS claim in numerous ways, both through its domestic legislation and excessive state practices.[815] These include, *inter alia*, China's rules on straight baselines; negating the right of innocent passage for warships through the territorial sea; the need to control security in the contiguous zone, enhance security protection and prevent military activities in the EEZ; the application of UNCLOS' environmental law provisions to warships; and, application of 'selective' historical waters claims to apply to the area. Indeed, China exhibits so many excessive legal claims that the question raised is whether the LOS has any binding effect on China in these core areas, or represents simply a tool through which Chinese legal interpretations of its interests are able to prevail. Given this range of policy that is clearly non-compliant, the power of the LOS to bind China and reduce its policy options appears extremely weak. The issue of compliance with the LOS is thus at the core of understanding how lawfare functions within China's SCS policy. "Legal warfare" for China, is fundamentally intended to obstruct an adversary's scope of freedom and movement and shrink its "operational space".[816] Such was the intent behind Jiang Zemin's 1996 pronouncement for China to use "international law as 'a weapon' to defend the interests of our state", and the instructions in the PLA's operational handbook to use legal warfare and not "feel completely bound by specific articles" of international law.[817] In this light, China clearly sees its international legal obligations as conditional on the national interest, or at least as means for achieving distinctly strategic ends. To date, it is also clear that China does not view compliance with UNCLOS as commensurate with its national interest.

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[815] See generally, Raul Pete Pedrozo (2010) "Preserving Navigational Rights and Freedoms: The Right to Conduct Military Activities in China's Exclusive Economic Zone", *Chinese Journal of International Law*, pp. 9-29; Peter Dutton (2011), "Three Disputes and Three Objectives: China and the South China Sea", *Naval War College Review*, vol. 64 (4) pp. 41-67; and Jonathan G. Odom, "A China in a Bull Shop? Comparing the Rhetoric of a Rising China with the Reality of the International Law of the Sea", *Ocean and Coastal Law Journal*, (2011-2012), pp. 201-251.

[816] As interpreted through China's 'three warfares' strategy. See Odom, *supra note* 7.

[817] *Ibid*, pp. 223-224, citing the Chinese Handbook, "Basics of International Law for Modern Soldiers", (1996).

There are historical roots to China's understanding of its obligation to UNCLOS. Recent Chinese international legal history explains much about how China's beliefs about international law relate to current Chinese security doctrines. Specifically, China's geopolitical position during the development of UNCLOS colors its contemporary understanding of whether the law of the sea is legitimate, legal, or potentially applicable. In the 1960s and 70s, China harbored substantial mistrust toward Western institutions and viewed international law as tools of bourgeois states to control the socialist world.[818] That China was not invited to participate in the first and second LOS Conferences in 1958 and 1960, where a range of fundamental rules and principles were codified in preparation for the third UNCLOS negotiations of 1974-82, only reinforced this view. Today, there remains stern dissatisfaction in Chinese circles with China's perceived marginalization from global legal evolution, and particularly from LOS construction. This remains the case even though China played an active law-making role at the Third Convention of UNCLOS, which finalized the contemporary treaty. Though China continues to integrate into the new international legal order, Chinese practice of international law remains subsidiary to domestic obligations and sovereignty concerns. This disposition is made plain, for example, in areas of international economic law and international human rights law where China asserts that "judicial sovereignty" trumps its international legal obligations, even where its relations with key states are engaged. Such pronouncements leave observers with reasonable seeds of doubt about how China views compliance in key multilateral areas.[819]

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[818] Jerome A. Cohen, "Hungdah Chiu, China and International Law: A Life Well Spent", *Maryland Journal of International Law* (2012), 27, pp. 9-35.
[819] *Ibid*, at 30-31.

But can one extrapolate from Chinese non-compliance in the SCS to China's complete independence from legal effect in relation to the LOS? It would seem not. While many particular articles of UNCLOS are clearly disregarded by Beijing, the LOS does 'matter' to Chinese decision-making as it relates to the SCS policy. This occurs in two ways. First, China uses legal reasoning, even if unconventionally, as the language or normative grammar through which to articulate its SCS policy. China uses the framework of international law to stake a "layered" claim. This technique sees Beijing employ a rotating set of established legal arguments, overlaid on acts of territorial possession and increasing material presence. Legal layering refers to the aggregate effect of using specific legal arguments to make an overall plausible legal case. If the primary argument fails, several other available arguments can be inserted to fill critical gaps to achieve policy objectives. Such an argument unfolds as follows: first the map of the 9-dashed line is utilized as evidence of historic title over the area. Should this fail to persuade, ancient fishing and administrative exercise by China demonstrates legal authority as concentrated over time. Last, should neither historic title nor past practice provide the necessary justification, more limited forms of 'sovereignty' are claimed over the 'relevant waters' of the area for China's own purpose. These three claims can be arranged on a continuum from a maximum claim (historic waters) to a minimalist one (sovereignty): either the entire area might be Chinese internal waters (best case for Beijing), or might be subject to Chinese 'sovereignty' in some form (worst case for Beijing). Hence, if the historic claim does not prevail against international opinion, China can shift its legal argument to an alternate level for specific international audiences.

Chinese legal authorities express this type of logic in their defenses of the Chinese claim. The prevailing interpretation of the Chinese position is a:

"theory of sovereignty + UNCLOS + historic rights…China enjoys sovereignty over all the features within this line, and enjoys sovereign rights and jurisdiction, defined by UNCLOS, for instance, EEZ and continental shelf when the certain features fulfill the legal definitions of the island regime under Article 121 of UNCLOS. In addition to that, China enjoys certain historic rights within this line, such as fishing rights, navigational rights and priority rights of resource development."[820]

There is virtually no difference between this layered description of Chinese rights to the area and a claim of internal waters in the orthodox understanding of the LOS. "Navigational rights" could certainly include the requirement for vessel consent in any of the maritime areas in question, applicable to military vessels and commercial vessels alike. And thus, in absence of a successful internal waters claim on the basis of historic title, China can still rely upon its 'historic rights' to defend key entitlements, such as resource extraction. Indeed, that China is making a maximum claim to the area was confirmed when in June 2012 China accepted bids for nine offshore blocks for "exploration and development" which overlapped with existing projects being undertaken by companies in Vietnam's EEZ. Logically, when China moved in this direction, it implicitly revealed its maximal position. This can be deduced from the fact that none of the disputed islands in the area that China claims could have jurisdiction extending into the area up for bid. Under Chinese interpretation then, its actions are entirely lawful because there are elements in the layered legal argument that can prevail to defend China's claim under virtually any circumstance.

So the law 'matters' enough that Beijing articulates its SCS claim through legal reasoning. This use of law in its particular rhetorical form, moreover, clearly

[820] Nong Hong, "Interpreting the U-Line in the SCS", May 15, 2012; http://chinausfocus.com/peace-security/interpreting-the-u-shape-line-in-the-south-china-sea/

provides ‘legal cover’ as China continues to change the *status quo* on the water: occupying Mischief Reef; building a military garrison at Sansha; increasing the volume of fishing and administrative vessels operating in the area; offering bids for resource exploration for tender in blocks that overlap with other states’ EEZs. In short, the use of international law provides a veneer of legality while Chinese extra-legal territorial and administrative possession proceeds rapidly. The Chinese thus are compelled to engage in a legal debate about the LOS, willingly or not, if only to allow Chinese action to be unopposed. China cannot achieve its national interest by openly dismissing the concept of the rule of law itself if only because it will mobilize international opposition. Unintentionally perhaps, China finds itself in a policy stricture that is grounded firmly in the legal realm.

Understanding Beijing’s Strategy

Given the above discussion, *Chinese strategy in the SCS can be summarized as follows:*

China seeks to control the entire area in a consent-based transit regime, and has been, by necessity, building an unconventional legal case over time. In the meantime, China has delayed the final resolution of the regional dispute to arrive at this end. China has been moving “within the law” at times, being compliant at certain moments when necessary, yet using selective legal language and creative legal arguments to move toward its goal of full control of the SCS. China seeks to avoid provocation of the US, for fear that an overreaction would disrupt the existing incremental process of increasing Chinese maritime presence and territorial occupation. Moreover, China is largely unconcerned about its ‘reputation’ as non-compliant with international rules among key international

audiences. It relies on a historical narrative based on Western hegemony and injustice to explain away any appearance of disregard for the rule of law.

In China's cost-benefit analysis of legal compliance in this case, two scenarios are plausible:

1. China believes that it has a valid case under international law and is merely carrying out policy to which it is entitled. Even if its legal argument fails, China is ready to attack the credibility of oceans law more generally, on grounds that the regime has exclusive Western roots and is therefore inherently unjust. The corollary frames UNCLOS as unreflective of the ideas and interests of developing states and requiring evolution weighted less heavily on Western precedents. Needed are new "progressive directions" in law, which move beyond UNCLOS and its primary interpreters (Singapore's Tommy Koh, and US' Bernard Oxman, for example). These might include changes made to permissible military uses of the EEZ, taking into greater account the interests of coastal states. Moreover, China perceives that because key US allies, such as Japan, are able to breach customary international law in claiming island 'sovereign' territories such as Takeshima, Okinotorishima, and likely Senkaku, the US and its allies use international law selectively. This exposes the LOS as a tool of Western dominance and diminishes its authority to bind China in analogous cases.

2. China is not totally convinced of the merits of its legal case in the SCS, but given the stakes of the issue domestically, internationally, and historically - to include potential access to resources and proteins, security perimeter issues, historical entitlement, and the need to demonstrate resolve and a modernized security posture to Chinese citizens – China's reputational costs of non-compliance in LOS matters are largely outweighed. This is

particularly the case if the debate over legal validity can be shifted to talk about the need for new legal interpretations concerning historical title of islands and waters, and peaceful purposes of the EEZ rather than absolute positions over the non-use of military activities in the EEZ. If the US is not significantly affected by the outcome in the near term, China's compliance calculations shift overwhelmingly toward territorial acquisition.

Both of these scenarios are plausible and not fixed in understanding Chinese strategy and the use of lawfare in the SCS. Indeed, many different Chinese actors, official and unofficial, likely believe in combinations of both ideas. But, in either case, it seems that China is committed *if possible* to a maximal claim articulated through law up until a point where there exists a firm change in the *status quo*.

What Next from Beijing?

Based on this consideration of China's perspective on the rules of the LOS and the rule of law more broadly, what kinds of strategic behavior can we expect from Beijing? We can deduce that China manipulates and distorts the LOS for the purposes of policy consolidation and control over the maritime commons. As it does so, Beijing becomes ensnared in a legal discussion that will entwine it with other players, including the US, that take both the LOS and the rule of law on the seas as policy priorities. Thus, China will remain poised to carry out overlapping policy positions: committed to a legally articulated maximal claim, as well as a slow-moving unilateral change to the *status quo*. We can, by definition, expect operations like those recently launched against the Philippines, Vietnam and Japan, to be the new normal. And one can also expect Chinese lawfare to be used to attempt to crowd out policy space for other states. For reasons of law, consent, and power China will likely not entertain a formalized international legal dispute

settlement option in deciding ownership over the islands in the SCS. Such remains the case even though the developing LOS jurisprudence on the role of jurisdiction for certain ‘island type’ features will enter both Chinese calculations and perhaps Chinese language about its maximal claim. If the prevailing processes from all key parties continue, we should expect the Chinese policy of legal layering, incremental territorial possession, advancing administrative control, and maritime consolidation to continue through the next decade.

SECTION II

US Strategy for the Regional Stability

As indicated, the question is not what China wants in the case of the SCS issue, but how it intends to get there. Intentionally or not, China now finds itself with both an operational challenge (*how to change the* status quo *in my favor?*) and a legal one (*how to sell that change in plausible legal terms?*) It is reasonably clear that many states would push back with military exercises and the use of force if China were to try to make the SCS an area of internal waters under a consent-based transit regime. Moreover, it will be decades before China might have the material strength to support such a unilateral declaration. It should go without saying that the US should maintain its preponderance of power in the waters of East Asia, and demonstrate it when necessary, as a stabilizing factor in South China Sea affairs. It should also be well-understood that crisis management skills in the US Navy will be put to the test in the South China Sea as small-scale incidents in disputed waters will periodically arise. But given that US material dominance is not in question and that crisis management describes the *status quo*, what is more important for the next decade then is to figure out how to manage the dispute *out* of this persistent crisis mode and into a more stable order. To do that, we need to understand not

what China wants, but the limits of Chinese lawfare, the conditional premises these rest upon, and how the US can discharge its own strategy to best take advantage of the fact that China has backed itself into the legal domain with both a weak and illegitimate jurisdictional claim.

At the outset though, the US must be clear about what role it can now play in this issue. China wants the US to have no part in this dispute. Even moderate words from Washington on China's responsibility in the international order, or the authority of the LOS, produce vehement rhetoric in China about US hegemony and its veiled containment of China. The US needs to accept, as an opening premise, that it is limited in its ability to directly influence China in the SCS. To be sure, the deployment of FON operations in the area can serve as a persistent reminder of US naval power and the power of its alliance relationships on the water. Indeed, these can also validate the authority of the LOS as it is currently configured. But the US cannot compel Chinese compliance with the LOS in all its legal areas, and should be wary of making this end the core component of US strategy.

The questions for US policy should thus be, what counter-strategy might yield strategic stability in the region? Moreover, what counter-strategy might yield strategic stability in the existing rules-based order for the oceans? Dealing with the first question, the United States clearly has a material advantage in the region that is recognized by China. Given this operational dominance, the United States can support strategic stability by drawing China more deeply into the legal realm. At this juncture, this means persistently presenting Beijing with opportunities to lay out its full legal claim and doing so in an unpressured manner. There are key factors which indicate that drawing Beijing into the legal realm will be difficult. Beijing has an incentive to delay the presentation of its case while its argument remains unconventional and its relative military strength moderate. Further, it will

ideally need to see its argument gain legitimacy (through evolution of the LOS in its favor), or its relative military strength grow before it can confidently engage in discussion of the legal merits.

Yet there are opportunities for the US to "box China in" by appealing to operational realities. For example, US Pacific Fleet might persistently ask the PLA(N) to lay out Beijing's full claim with any attendant operational "red lines" in discussions in Honolulu, HI prior to the annual Defense Consultative Talks (DCT). Such a discussion can focus on the operational need for legal clarity (avoiding incidents at sea and laying out procedures for vessels in distress) in a way that sidesteps the headlines and spotlight of executive-level summitry. The US should similarly encourage its allies in the region to seek opportunities to invite Beijing to articulate its full and unequivocal legal argument. The recent appeal to ITLOS by the Philippines also supports this initiative to impel the Chinese to give greater legal clarity to the contours of its full claim. Further advantage would be gained if China were persuaded to advance its position to a unified ASEAN block, perhaps in the context of negotiating an implementation framework to the DoC (2002). In both instances, the US must support process rather than any protagonist from a distance of neutrality.

Forcing China's claim into daylight allows the issue to become legalized under terms highly favorable to the US and its allies. In short, the US and its allies can prevail with their legal argument if the Chinese can be persuaded to show up. Such a process can bring the parties to greater common understanding about which claims deserve merit and where difference of opinion can be split, while keeping the issue out of formal institutions. This option likely ameliorates the current *status quo* of uncertainty, and ought to slow down the process of hostile engagements given that it will re-inject the question of entitlement into policy discussions at a

time when ASEAN and China are rhetorically committed to developing a framework to implement the Declaration of Conduct (2002). This is all the more crucial as the results are likely to be relatively insignificant in solving any of the substantive territorial issues or generate joint resource sharing projects, but discussion about historical entitlement to the land formations and waters in the SCS can obviate the need for physical confrontation.

Beyond the historical waters discussion that an airing of the Chinese claim might spark, it might also help spur a dialogue about internal waters under the development of customary international law in future. Under conventional legal interpretation, China has come up against the limit of its policy of legal ambiguity and logically implied a maximal claim in the area. China clearly perceives the need for progressive development of the LOS with respect to permissible activities in the EEZ and internal waters and has been virtually forced to admit that its maximal claim is based on an understanding of permissible activities that is out of step with the majority of states' declarations and practice. While the US might not be able to compel Chinese compliance, and is not able to impose a regional resolution, it can encourage the opening of a policy dialogue on permissible activities *now*, while material power, state practice, and global opinion all remain in the US favor. In the next decade, both declaratory policy and state practice in the EEZ by China and other key developing states will set the tone for the debate in customary international law on what rights and obligations ought to be conferred on the eventual owners of the islands in the SCS.

The outcome of this debate will impact the terms of freedom of navigation for the US and other parties. Here, as with the discussion of historical title, the United States can set the parameters for legitimate agreement to emerge in the maritime realm *now,* while both material and political advantage remain with Washington.

Because there is a litany of Chinese practice in conducting forms of military activities in the EEZs of others without consent, the US should be able to publicly establish that low-level military activities are common practice by all countries.[821] An operational-level meeting focused on the practical need for predictability of ships' behavior at sea might open the door for China to present its full claim and for the US and/or its allies to counter its argument in law.

US Strategy for the Stability of Oceans Law

But operational meetings about black-letter law can only hope to stabilize the region in the short- to medium term. How can US policy stabilize the rules-based order of the oceans more fundamentally over the longer horizon? China rests the bulk of its legal layering strategy not on formal interpretations of law but on combinations of law and legitimacy. That is, the moral and immoral force of Western LOS, along with arguments grounded in justice, historical entitlement, and the fairness of rules in the international legal system. It does so because it must: China has learned over the past decade that a maximal claim will not be considered valid due to the weak evidentiary value of the 9-dashed map and the tests required to meet a historic waters claim. So China attempts to make up for what it lacks in legality by appealing to legitimacy in a way that resonates with a developing Asia. The legitimacy of China's policy under law is anchored in key components of the security and political dynamics of Asia, namely the role of state identities, nationalism, and complex histories. In this conception, these islands of the SCS are not mere rocks, but carry with them the scars and narratives of past injustices and colonial encounters. As part of China's legal layering strategy, Beijing relies on the fact that the LOS can ultimately be exposed as unhelpful in ensuring justice in Asian waters.

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[821] See Pedrozo, *supra note* 7, 16-18.

US policy with respect to both China and maritime affairs has been overly reliant on legal interpretation and reluctant to engage in this broader discussion about whether or not the established LOS still represents the most just possible order for the oceans. In so doing, the US threatens to cede the ground to Beijing, a position that may be decisive in shaping the political context for any agreed-upon set of rules. The US should confidently engage with this discussion, and in so doing tacitly force states to decide how legitimate *and* legal China's policies are. Washington can specifically engage in this discussion and lean forward in countering Chinese legitimacy in two ways. First, the US must use strategic messaging opportunities to position itself as committed to a just order for the oceans that allows for the fullest possible national development of all. This pronouncement can be made at any myriad of multilateral forums in China's orbit: ARF, APEC, Shangri-La, and others, as well as in bilateral or mini-lateral meetings. The corollary message is that the established LOS represents not just the US preference, but the most *legitimate of all possible negotiated outcomes*. US messaging should not put the cart before the horse in Asia, defending the established order while US very legitimacy as a just arbiter is called into question by China.

But such a strategy cannot succeed while China perceives any hypocrisy or double-standard in the US approach to a rules-based order. The second part of countering China's appeal to legitimacy is for the US to encourage its allies and partners to follow the letter of the law in their declared policy with respect to the LOS and their jurisdictional claims. This will be difficult in some cases. It will involve telling established partners that the US cannot support jurisdictional claims with little legal merit (Okinotorishima, for example) and that it cannot defend territory in which sovereignty is truly in question (Dokdo or the Senkakus, for

example). It also means encouraging emerging partners to develop more conventional approaches to military activities in the EEZ (India or Vietnam, for example) and even conducting and publicizing FON operations against friendly powers when necessary, perhaps in concert with like-minded allies.

Without leading by example in this way, the US threatens to lose its legitimacy in Asia as a proponent of a rules-based order for the oceans. Aside from ratifying UNCLOS, removing any perceived double-standard in US policy on these questions is perhaps the single most influential unilateral action that Washington could undertake to expose the weakness of the Chinese claim, in terms of both its legality and its legitimacy. With US material dominance clearly established, the illegality of the Chinese claim exposed, and US legitimacy in maritime affairs consolidated, Washington can bolster strategic stability in geo-political and legal terms, even without compelling Chinese compliance in the SCS.

9.

THE IMPACT OF NATIONALISM ON INTERSTATE CONFLICT IN THE SOUTH AND EAST CHINA SEAS: PROJECTING ITS ROLE IN CHINA, INDIA AND JAPAN

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In what ways is nationalism already a driver of conflicting claims and counter-claims in the South and East China seas; and how is it likely to influence the future development of these disputes? This paper will attempt to answer this question by looking first at the background assumptions underlying the study of nationalism anywhere. It will then examine the similarities and contrasts between

nationalism in the three counties and the respective narratives which nationalists employ. The final section will speculate on the likely development of nationalism, primarily in China and Japan, and its likely impact on their territorial disputes in the years ahead.

Background assumptions

The analysis that follows rests on five sets of background assumptions. These are: ,

(a) that regardless of whether it is possible to envisage a post-nationalist world, the rise of nationalism (i.e., the doctrine that each culture should have its own state and that its national territory is inviolable) is almost invariably an accompaniment of the transition from a traditional agro-polity to a modern state. (Gellner,*Nations and Nationalism,*1983, *Nationalism*, 1995)

(b) that nonetheless the manifestations of nationalism in different states will not only vary enormously but will be coloured by the nature and characteristics of its pre-modern culture and historical experience;

(c) that nationalism often but not invariably has its origins in some real or imagined hurt inflicted on a population from outside. (I. Berlin, *The Crooked Timber of Humanity,* 1990); that its aim is always emancipatory but that all nationalism has a potential to turn toxic or pathological;

(d) that nationalists most often invoke history in support of their right to a separate state, which belongs exclusively to them, and underpins their territorial and

other claims; but that history is seldom if ever a basis for the resolution of territorial disputes: this is because both the historical narrative itself and/or its justice or injustice will be contested – indeed it is generally the contest of narratives that defines a nationalist dispute;

(e) that empires have habitually been obsessed with their peripheral frontier zones, beyond which lurk barbarians, aliens or other undesirables; but that in the modern era when power is increasingly exercised collectively through legally enforceable contracts rather than personally, all states have to behave a bit like empires in that they have to know where there jurisdiction begins and ends, i.e., at the frontier. In these empire-like states the obsession with the frontier takes the form of an insistence on territorial integrity; conversely all large-scale political structures, states that are effectively empires by another name, have to become a bit like nations, in the sense that their rulers have to legitimise themselves by identifying with their citizens. Nationalism is thus the glue of the modern empire-like state. This proposition seems to hold for all three states under review.

Nationalism in China, India and Japan: Similarities and contrasts

China and Japan: In both countries nationalism developed in societies that had been substantially homogenised culturally and centralised politically (sometimes in theory more than in practice|) prior to the nationalist era. In both countries the national identity of the vast majority of the people is a given rather than being up for definition by competing factions or parties. Neither country is as homogenous

as it believes itself to be and China has troubling unassimilated minorities in Tibet and Xinjiang, but in both most people define themselves in national terms, so that, in this sense, it can be said that the nation has been successfully built. The strong economic ties that have developed over the past twenty years are threatened by memories of Japanese conquest and misrule in China and the ongoing dispute over the Senkaku islands. Emotions are deeply engaged on both sides and Japan is an easier nationalist diversion for the Chinese than India.

Japan and India: Both countries are nervous about the rise of China (particularly the maritime rise) and have a strong incentive to cooperate on the basis of 'the enemy of my enemy is my friend'. But India is not socially homogenous and despite being a Union rather than a federation, the authority of the Union government is under constant attack from its constituent states to which power is continuously leaching. Despite Buddhism having been exported to Japan from India, the cultural affinity and level of mutual understanding is not deep. The Indians make much of the fact that they insisted on signing a separate bilateral peace agreement after WWII and that the Indian Judge wrote a minority verdict dissenting from the guilty verdict in the Tokyo war crimes trials. But while this no doubt won them friends on the Japanese right, it is an embarrassment for the powerful liberal establishment. It is also a potential embarrassment to the Americans, since it seems designed to drive a wedge between Japan and its principal ally.

China and India: Both are sub-continental countries, which some would argue are civilisational rather than national-states. This makes them far more vulnerable to

centrifugal pressures than is the case with Japan. Conversely, playing the nationalist card is a greater temptation, - and the existence of disputed frontiers provides them with the opportunity. This is partly because unlike Japan, in both China and India state nationalism is understood as an instrument of emancipation rather than a failed and arguably criminal grand strategy. But mainly it is because projecting aggressive intent onto a neighbour is a time-honoured way of generating public support for a beleaguered government**.** Pathological xenophobia is thus a possibility in both countries, although it is probably a greater threat in China – and in relation to Japan – than in India because of China's greater cultural homogeneity and social control. After their defeat in 1962 the Indians have concentrated on preventing any repetition, which means that they have ensured that the army gets the lion's share of the available resources, but they continue to have an inferiority complex vis a vis China which seems likely to constrain their policy going forward. Although the Indian government insists that China is its major foreign policy preoccupation, public rage is more easily directed at Pakistan and jihadist terrorism than at China.

Competing nationalist narratives

The nationalism of all three countries is bound up with modernisation, but only in Japan was the forging of the equation between nation-building and modernity a self-conscious strategic choice. (It could be argued that Deng's opening of the Chinese economy was a similarly strategic choice, but it was a means not an end as the nationalisation of Chinese society had already been achieved.)

In Japan building the nation was from the start an exercise in grand strategy. The objective was, as it remains, to do whatever was necessary to preserve the country's independence, which has persisted since ancient times. (Fukazawa Yukuchi,*Autobiography*) Meiji reformers concluded that this required them to join the Great power system, which at that time was dominated and framed globally by Western imperialism; and to do so on equal terms by acquiring an overseas empire of their own. This strategy was immensely successful on the first count but not on the second.

The rebuff that the Japanese received at the Paris peace conference in 1919, where they had sought to include a racial equality clause in the final text was a factor in fuelling the militaristic ultra nationalism of the 1930s. Their total defeat in WWII demonstrated, in Japanese eyes, that the chosen ways and means of pursuing the country's strategic objective was deeply flawed; it did not change the strategic objective itself. Japanese recovery was predicated (a) on the acceptance of Article 9 of the new constitution – itself a reflection of the widespread belief that the population had been betrayed by its leaders but also that they were victims of a crime against their humanity as a result of the dropping of two atomic bombs on Hiroshima and Nagasaki; (b) on the possibility of becoming a major player in the world economy and (c) on the American alliance. The new ways and means had the inevitable consequence of pushing overt Japanese nationalism to the margins of Japanese culture and thought, a factor which was often frustrating to its principal ally, which would have increasingly wished for a more robust Japanese foreign policy in the interests of burden sharing.

The question for the Japanese now is whether their relative quietism in foreign policy is sustainable, and how confident they feel about US protection, not immediately but over the medium and long term. Their spirited response in Defense of the Senkaku islands, including the nationalisation of three of them, might suggest that they may be less wary of allowing Japanese nationalism its head in the future. It seems more likely that this show of muscle and resolve is intended as a warning shot aimed at reminding both China and Taiwan (with whom Japan is also in dispute over the islands) that Japan is prepared to defend its interests if challenged, independently of the US. (The fact that the government has reopened the previously suspended negotiations with the Taiwanese over fishing rights would seem to support this interpretation)

Further afield the Japanese will no doubt favour continued cooperation with other navies in the region to counter piracy and maintain freedom of navigation in the South China sea, but are unlikely to take a firm position on the substance of the sovereignty disputes between China and its neighbours for fear of reawakening the ghosts that still hamper its relations with its former colonial dependencies. The unknown factor is what the Japanese reaction would be if anti Japanese sentiment in China – it has risen sharply in recent months - was allowed to get out of hand, resulting in renewed attacks on Japanese businesses and the consequent relocation of Japanese investments elsewhere in the region.

In China nationalism developed in reaction to what the present government continues to regard as the century of humiliation – hence their desire to leapfrog backwards (in the South China sea and elsewhere) over what they regard as

unequal treaties imposed on them by the Western powers and Japan, and based on what they regard as inappropriate legal concepts.(They are to some extent hoist on their own petard in this regard however, due to the policy of demonstrating their good international citizenship by joining multilateral organisations such as the WTO and ratifying international treaties, including UNCLOS, albeit with caveats)

If maintaining independence in an industrialised great power dominated world was Meiji Japan's grand strategic objective, reunification was the goal that the Chinese modernisers set themselves. Both the nationalist KMT and the communists were determined to defeat the war lords and to restore a reunited China to its traditional position as the Middle Kingdom, in their eyes the cradle of civilisation and the natural hegemon. As in Japan, modernisation was the chosen method, but given the huge size of the Chinese population and its overwhelmingly rural composition, Mao correctly perceived that it could not be done without nationalising the peasantry. But there was no difference between the Communists and the KMT over China itself, both were heirs to an imperial tradition that had to be modernised if it was to survive. Nor was Mao at all interested in the internationalist aspects of Marxism-Leninism. In his famous victory speech in 1949 he delivered an unambiguously nationalist verdict: 'the Chinese people have stood up'.

The relevance of this well-known background story for China's policy with regard to its territorial disputes with its neighbours and in particular in the South China sea is worth some further reflection. Although the Chinese communists had first to mobilise and then to nationalise the peasantry by making them dependent on the government, it was only with the opening up of the economy to rapid industrial

transformation, that the full implications of a resurgent Chinese nationalism became apparent. Peasants in every part of the world are notoriously the most conservative social force. Indeed that is what makes Mao's (and Gandhi's) success in mobilising them so remarkable. But although nationalists may conjure up a romanticised picture of an idealised rural past to justify their territorial and identity claims, it is generally speaking the middle and professional classes that drive nationalist projects forward by providing an exit strategy out of rural poverty, and through the medium of education, a vision of national destiny for a modernised mass society. (Ortega Y Gassett, *The Revolt of the Masses*, 1933)

There is now a massive Chinese middle class with consumer tastes that have to be fed at all costs, but which has also internalised the nationalist story that |China needs to overcome the humiliations imposed on it by the Western Powers and Japan; and that over time this will require the recovery of all originally Chinese territory lost during the period of China's decline and the rise of the West. There is no great hurry about this, witness the intransigent but relatively restrained way in which the Chinese authorities have handled their border disputes with their neighbours. Nonetheless it does suggest that having decided, for whatever reason, to push their historic claims in the South China sea (the two favourite explanations seem to be to divert attention from trouble at home and to show the US to be 'a paper tiger' by testing its resolve) they may find it difficult to disengage without losing an unacceptable amount of face. It would be quite wrong to assume that the Chinese middle class will necessarily put consumerism over nationalism. Middle class nationalists may turn out to be much less pliable than a mobilised but still largely illiterate peasantry. Testing the water may still be less dangerous than provoking a dispute over a land frontier. As part of its strategy of becoming a good

international citizen (membership of WTO,IMF, UNCLOS etc) the Chinese authorities have left themselves an exit strategy, and if it comes to it they will no doubt seek to occupy the moral high ground by pointing out that, notwithstanding its caveats, China has ratified UNCLOS whereas the USA has not.

In India after independence, Nehru tried to fashion an entirely new kind of politics based on his concept of Non-Alignment. This was certainly a grand strategic vision which reflected the particular circumstances of India's nationalist movement in the run-up to independence, but it has long lost all but rhetorical force in Indian politics. In its place we now find a fairly traditional – and largely purely reactive – form of realism. (Srinivasan, *Diplomatic Channels,* 2012). Such modernisation as occurred in India was initially introduced by the British, with the result that it was not equated automatically with nationalism as in Japan or regarded, in its socialist garb, as a road to redemption as in China. Two of the most influential founding fathers of independent India (Gandhi and Tagore) were profoundly ambivalent about modernisation. Gandhi, like Mao, although using entirely different means, succeeded in mobilising the peasantry for nationalist purposes but wanted to turn India's back on the rural economy. Tagore did not believe that India could or should become a nation, and retained a strong aristocratic attachment to traditional rural values. At the same time he was bitterly opposed to the caste system and wanted to buy into the Enlightenment as a way of ridding India of its complex and deeply embedded social hierarchies.

Both men made a deep impact on Indian political culture but Indian nationalism had to come to terms, whether it liked it or not, with industrial civilisation and the

battle between its capitalist and socialist manifestations. In the end, it was Nehru's compromise – it is said that he wanted to combine a socialist economy with a western-style democratic polity – that defined modern India between 1947 and 1991, when the Government rather belatedly followed China into liberalising the economy.

But was India a nation? Only up to a point I think. There is much truth in the observation that the Congress inherited an empire, continued to rule it like an empire, particularly in the border regions, but called it a nation-state. Nehru dominated foreign policy, which was, therefore largely removed from the influence of public opinion, at least until India's defeat by China in 1962, and with the obvious exception of relations with Pakistan, where, like all his successors, all he could do was to contain anti Pakistan sentiment as far as possible, but where on the central issue of Kashmir, his hands were effectively tied. On the domestic front, all India nationalism has been repeatedly weakened by regional sub-nationalisms, although some sort of order was maintained by making numerous concessions to regional interests, on language policy, immigration and other issues. The whole chaotic yet not completely dysfunctional edifice was kept in place by the inherited iron grid provided by the armed forces, the civil service, the judiciary, the transport network, particularly the railways and increasingly since 1991 the rise of the all India market.

Tagore had insisted that an Indian nation was impossible in a society where people could not mix their blood through intermarriage or share food at the same table. But if this is still not completely false as a description of Indian society, the rise of

the middle class has certainly considerably weakened its force. As in China, it is amongst this class that a genuine popular nationalism – as distinct from the nationalist mask behind which the elite has so far hidden its imperial legacy – is most likely to arise. For the time being, the relative lack of coherence of the Indian state, its corruption and the fragmented nature of Indian nationalism (certainly when compared to that of China and Japan) make it extremely difficult to predict how national sentiment in India will influence India's policy in relation to the South China sea dispute. That said there are several caveats that need to be entered:

(a) The India political class and Indian elites more generally have something of an inferiority complex vis a vis China. They fought and lost a war in 1962 and have outstanding territorial disputes with China. Insuring against any repetition of the 1962 debacle is India's highest priority, so that there is little prospect of any major shift of resources towards policing the South China sea, particularly as India is not in dispute with China on any sovereignty dispute there. It would be worth discovering whether the India decision to withdraw from one part of its exploratory joint venture with Vietnam was purely dictated by commercial considerations as in the official explanation. If it was, then it would also be worth knowing how far India would be prepared to go in its support of Vietnam in the remaining area to which India is still committed, should China chooses to make it a test case?

(b) Despite the political fragmentation of India, the three armed services are genuinely national institutions, with proven loyalty to the constitution and the central authority of the state and no separate political agenda of their own. They will protect Indian interests as instructed and would be able to call on widespread national support in the event of a military confrontation(although historically some parts of the country have been

underrepresented in the army, a tendency that dates back to the British practice of identifying martial races. The Air force and Navy, although smaller, are probably more genuinely national)

(c) There is widespread disaffection with India's political class, particularly at the centre, but with a few exceptions (Modhi's BJP administration in Gujarat being the prime example) in the states also. On the other hand something like a nation-wide civil society has developed in reaction to this disenchantment. It has demonstrated itself three times in the past two years. The first was the 2010/2011 anti-corruption movement led by Anna Hazare. It appears to have fizzled out without making a major impact on the problem. Civil society activists claim that India is now amongst the most corrupt counties in the world, a claim borne out by Transparency International, which ranked India in 2011 at 95, twenty places lower than China in its International Corruption Index. It is significant perhaps that in India, it is civil society that is demanding action of the government, whereas in China the problem is being addressed top down for fear of a public reaction. The second demonstration of civil society mobilisation came in reaction to the sectarian attacks on North East migrant workers in major Indian cities – Hyderabad, Bangalore, Mumbai etc – in the summer of 2012. The mobilisation of one presume mostly liberal and educated professionals against the irresponsible anti-Muslim scaremongering on social media checked the flood of scared north easterners seeking to flee to the safety of their own communities within a few days. The final demonstration was in reaction to the North Delhi rape case that is now – as a result of the demonstrations across India – before a specially constituted court which has been instructed to fast track the trial.

Do these examples suggest the emergence of a genuine and popular national movement within India which if not yet organised politically, has the potential to become so. If it does would public enthusiasm carry over from domestic issues in which the aspiring middle class has a stake to foreign policy? The answer is not clear. Any repetition of the Pakistan inspired terrorist attack on Mumbai would certainly lead to nation-wide demands for retaliatory action, although the nuclear balance across the LOC would probably dictate a restrained response as it did in 2008, even if the government had to pay a political price in the form of even more unpopularity than it enjoys at present.

The future of maritime nationalism in China, India and Japan

There are enormous difficulties in forecasting the future of nationalism in any part of the world: its appeal lies in its infinite malleability and we have seen in twentieth century Europe how quickly it can mutate from a doctrine of social emancipation into a pathological political epidemic. There is no obvious reason why a similar development could not occur in Asia. Nonetheless, against the background of these broad nationalist narratives it is worth asking how we might envisage the influence of nationalism over the next ten years on the territorial disputes and maritime rivalries of the three countries in the South and East China seas and in the Indian Ocean.

India

In this case there is not much more to be said. In the event of a Chinese interdiction of an Indian ship, or forceful interference with the Indo/Vietnamese joint venture, it is possible that the Government of India would face popular demands to retaliate, although on present showing, they would most likely do everything they could to avoid a direct confrontation.

There is however one recent development – the growing interference of the states in foreign policy despite the Union government's official monopoly – that could inadvertently deflect Delhi from its cautious and pragmatic path. There have been two recent instances of this new development, when West Bengal forced a modification of India's draft accord with Bangladesh on the sharing of the Teesta river waters, and when Tamil Nadu pressure forced India to vote against Sri Lanka at the United Nations Human Rights Council. Should the Chinese be tempted to seek permanent base facilities as a *quid pro quo* for their support to the Sri Lankan government in defeating the Tamil Tigers, Tamil rather than all India nationalism, might force the GOI into a more robust response than would otherwise be likely.

China

Most authorities on Chinese nationalism maintain that on the one hand it has been the dominant ideological driver of Chinese modernisation since Sun Yat-Sen's 1911 revolution, and has become even more so following the collapse of communism, but also that it has never been, and is not now, a monolithic ideology. Nationalism itself is generally viewed as the successor and legatee of the culturalism that bound the empire together, even when, as in its final years, the Han majority was ruled by a Manchu minority dynasty. One useful analysis depicts

Chinese nationalism in triangular form, with a broad swathe of patriotism at its base, a central band of ethnic nationalism in the middle and an official state form of nationalism at the apex. (Townsend, 2005 and 2008)

All Chinese nationalists agree that the long term strategic objective is to restore China to its former greatness and central position in the world. The importance of the imperial legacy is that Chinese nationalism rests on a broad based and deeply embedded patriotism, which helps to explain not only the self-evident sense of pride that the overwhelming majority of Chinese took in such events as the 2008 Olympics, but the apparently genuine and spontaneous outbursts of xenophobia that led for example to violent anti-Japanese demonstrations in 2005 and again in 2012. The government can orchestrate such sentiments for its own purposes but only up to a point. It may have been largely responsible, through the education system and state controlled media, for creating a national identity based on a sense of victimhood built up during the century of humiliation, but above the level of patriotism there is a huge body of ethnic Han sentiment which in adverse circumstances could be turned against the government itself. If it fails to deliver sustained economic growth, it might be only a matter of time before popular anger was re-directed from the Japanese to the Party and its apparatus. It is most likely this fear that has led the state to reign in anti-foreign demonstrations, after first allowing them to flourish, and to promote a pragmatic state version of nationalism of its own based on *realpolitik.*

The official state nationalism, which occupies the apex of the triangle, is a largely formal doctrine, which emphasises the centrality of the imported western concepts

of sovereignty and territorial integrity. It also differs from popular nationalism in down-playing the central position of the ethnic Han and, following Mao's 1949 speech, emphasising in its place that China is a single nation-state consisting of the Han and a long list of minorities, of which the Manchus, Tibetans and Uigars are the most numerous. It is doubtful whether any of these ideas penetrate very deeply into Han national consciousness, but for the purposes of the present discussion the more important point is that the Chinese government is not at present at odds with popular nationalism in pursuing its maritime ambitions, although it is possible that there could be a falling out in the future.

Chinese popular nationalism comes in at least two variants, one of which is internally relatively liberal while the other is nativist and traditional. Liberal nationalists have generally pushed a reform agenda at home and have been in favour of borrowing ideas from abroad, while advocating policies that demonstrate China's strength abroad; nativists are traditionalists and anti-foreigner both at home and abroad. It is significant that the main proponents of China's military, and particularly its maritime modernisation and expansion, not merely in the military but in the universities, the press and the business world, have been liberal nationalists. Great Powers, so the argument runs – particularly energy dependent-great powers need to be able to project force at sea in order to defend their national interests and protect their lines of supply. In the debates that led up to the commissioning of China's first home-built aircraft carrier, it was official rather than liberal nationalists, who expressed doubts about both the necessity and affordability of the project. (Robert S Ross, *International Security.* Volume 34, No.2 Fall 2009)

The question remains, therefore, as to why the government chose to revive its maritime claims in the South and East China seas – none of which was new but which mostly had been allowed to lie fallow since the 1970s? Since no Chinese nationalists are in favour of territorial concessions, the decision was unlikely to be unpopular, and as suggested earlier, it may have been viewed as a relatively low risk way of probing the strength of US (and Japanese) resolve since exit strategies were available if needs be. Yet this assumes that the government will continue to be able to contain its liberal and traditionalist nationalist critics in the event of some future crisis, as they were able to do in those that erupted periodically in China's relations with the United States after the end of the cold war. Since they miscalculated the deep anxiety their claims would generate within ASEAN and the much more profound anxiety, which the new China has provoked in Japan, there can be no certainty on this score. It seems extremely unlikely that they will seek a confrontation with the US, whose Asian pivot has been facilitated by Chinese policies, in effect making the containment with which they are clearly obsessed, a reality. In these circumstances, if their domestic policies miscarry, they could face a major internal challenge from an alliance between liberal and nativist nationalist elements. It is not obvious that such a scenario would be in any country's interest, and if it did occur, the burden of 'management' would shift from Beijing to Washington and Tokyo.

Japan

In nativist Chinese eyes Japan is viewed as an even greater threat than the United States. Indeed, anti-Japanese feeling is almost constitutive of Chinese nationalism.

Indeed, even for the Chinese government and the official version of nationalism that it uses to frame its policies, there is a sense in which the American alliance with Japan serves a double function. On the one hand, it serves to feed the obsession with western containment – and hence the need to break out of the strategic encirclement in which it perceives itself to be trapped; but on the other, the American presence in Okinawa provides some insurance against a resurgent Japanese militarism aimed at China. This insurance matters acutely at a time when China is anxious to retain access to Japanese investment and technology, and when China has emerged as Japan's principal trading partner. These functions are contradictory, and whether the Chinese really want to demonstrate that the US is a paper tiger is a moot point.

China is not constitutive of Japanese nationalism but China's rise, or rather Japanese perceptions of it, could prove the catalyst for its revival. The renewed dispute with China over the Senkaku islands is more a symptom than a cause of this revival, whose origins lie in Japanese anxiety over whether the formula that served the country so well for fifty years or so – becoming a politically gelded economic superpower – is sustainable over the long run. A twenty year economic downturn fuelled this sense of anxiety and also had the consequence of driving Japan to embrace its US alliance ever more closely. Being ousted by China as the world's second largest economy, and the prospect that China may overtake the US by 2030 represents an existential challenge to Japan's political establishment to which it has yet to find an answer.

Until the second-world war, Japan had proved adept at doing whatever was necessary to preserve its independence. Afterwards that required acquiescing in an

American designed pacifist constitution and relying on American guarantees for its ultimate security. The present LDP government, under Prime Minister Abe, tacitly encouraged by the Americans, has reopened the national debate about revising the constitution and amending Article 9, which confines Japan's military to self Defense. During his previous time in office, he was also prepared to risk Chinese and Korean hostility by visiting the Yasakuni shrine, which commemorates all those who died for their Emperor, including those convicted and executed for war crimes after Japan's surrender in 1945. The Americans, who, despite their desire to refresh the alliance as the centre piece of their pivot to Asia, one suspects are more comfortable with Japanese liberals. It was they, after all, who bought into the recovery formula, but the Americans are nonetheless complicit in the revival of Yasakuni nationalism, since they protected the Emperor from prosecution after the war and thus allowed Japan's post Meiji political identity to survive.

Official Japanese nationalism is as unyielding on the territorial issue as is China's, but, like China also, in other respects pragmatic. Built up under the protection of the US alliance and shielded by Article 9 , the country's self Defense forces are fully capable of defending Japan's continued (although contestable) occupation of the uninhabited Senkaku islands. Indeed, Japan has repeatedly scrambled attack aircraft when China has sent warships into their offshore waters. Having first denied radar locking against Japanese naval targets, the PLA has now admitted that it did happen, although by accident. Neither side has backed down on their rival 'unnegotiable 'claims, but a new Japanese ambassador has been tasked with repairing the damage to the bilateral relationship, and there have been Ministerial exchanges, presumably with the intention of restoring the *status quo ante* at least as far as economic cooperation is concerned.

So far, it must be said, these efforts have not proved markedly successful. Most recently 168 legislators visited the Yasukuni shrine on the same day that the Japanese coast guard reported that eight Chinese maritime surveillance ships had entered the territorial waters of Uotsurishhima Island, one of the Senkakus, evidence that nationalism in China and Japan remains a volatile force, whose local dynamics are difficult to predict. Both the South Koreans (who cancelled a Ministerial visit) and the Chinese have protested vehemently against the Shrine visits, which the Japanese insist are a matter of personal choice and freedom of belief. These reactions are entirely predictable, and follow a familiar pattern on both sides, but they are unfortunate particularly at a time of heightened tension. The Japanese have summoned the Chinese ambassador to protest against the Chinese incursion into its territorial waters and Prime Minister Abe has said in the Diet that any Chinese landing on the islands would be expelled by force. (*The Asahi Shimbun*, and *The Australian,* 23 April 2013)

Such ratcheting up of the nationalist rhetoric in both countries, makes it even more difficult than usual to be confident of the outcome. But, given the interests on both sides, the partial revival of Japanese nationalism still seems unlikely to lead to a major conflict with China, which Japan cannot afford. In this respect, its position very closely mirrors that of the Chinese, so both governments have an incentive to paper over their differences if not to seek an active compromise. The real danger for Japan lies further down the road. If the American alliance falters – and however unlikely that may appear the Japanese would be less than rational if they did not examine the possibility - where is it to go? The trouble is that the post war formula

concealed a deep divide between liberal constitutionalists and nationalists in Japanese society. The fantasy option of Japan becoming a middle sized honorary member of the EU is not available. So some accommodation with nationalism, despite the sinister baggage which still accompanies it sixty five years after Japan's traumatic exit from the second-world war, seems all but inevitable. It may be that, as in other parts of the world, a government of the right may be better placed to strike a pragmatic bargain with China than a more liberal administration might be, but while that might restore a measure of detente in the East China sea, the price will probably be to leave the resources, which lie in the vicinity of the islands, unexploited – good for the environment no doubt but doing nothing for the insatiable appetite in both countries for natural gas.

10.

CHINESE PUBLIC DIPLOMACY

PROFESSOR PHILIP TOWLE

Introduction

Chinese spokesmen are showing more subtlety in their approach to debates with the outside world than they have ever shown before, as reflected in their concern with the 'three warfares' and particularly their efforts to influence the foreign media. During the Cultural Revolution the Communist Party propagated indigestible communist jargon abroad via the New China News Agency, but this did not mean they underestimated the importance of propaganda at home. As one well-informed Western analyst pointed out at the time:

> They have always depended upon mass hypnotic indoctrination and stirring persuasion to facilitate the tasks of the Party leadership and to mobilise the minds and effort of the population.[822].

Today their interest in the 'three warfares' shows that they are devoting the same attention to influencing public opinion abroad. In 2004 the Chinese government set up the first Confucius Institute in Seoul to encourage the teaching of Chinese and present China's best face to the outside world. Such institutes resemble their Western cultural equivalents but are controlled by the Chinese Ministry of Education. Despite the controversy this has caused, there were already over 300 spread across the world in 2010 and the Chinese hope to have over 1000 by 2020. China demonstrated its determination to appear as a responsible great power by supporting relief operations after the Indian Ocean tsunami in 2004, the Pakistani earthquake the following year, the Philippines typhoon, the Haiti and Chilean earthquakes and the nuclear accident at Fukushima in 2011.[823] In 2009 China established a worldwide media network operating in over 50 languages. In Africa, where China has extensive mining interests, local newspapers are taking reports from the Chinese news agency Xinhua, China Central Television broadcasts across the continent and *The China Daily* is spreading China's point of view to African readers and indeed, via the web, to the rest of the world.[824] As the Vice President of the Chinese People's Institute of Foreign Affairs put it, 'in the era of globalization and informationalization, a new "main battleground" for big powers to win over international public opinions is taking shape'.[825]

The Chinese government knows that it has to face the consequences of the

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[822] Frederick T.C.Yu, *Mass Persuasion in Communist China*, Pall Mall Press, London, 1964, p.3.
[823] Charles Grant, *Russia, China and Global Governance*, Centre for European Reform, London, 2012, p.62.
[824] 'Superpower has news for its emerging market', *The Times* (London), 15 December 2012.
[825] Huang Xingyuan, 'Actively explore new thinking on China's public diplomacy', *Foreign Affairs Journal*, Beijing, Summer, 2012, p. 26.

country's absorption into the international economy and society. It sees that the rules of that society have hitherto largely been shaped by the West with some input over recent decades from the Third World. Moreover these rules have been moving in directions which the Communist Party dislikes particularly over human rights and intervention in the affairs of other states. Chinese spokesmen argue these infringe the UN Charter and are opposed by most Third World countries but what they fear is Western interference in their own internal problems.[826] Above all, they worry that they are losing the propaganda battle over Tibet and, to an extent, Taiwan. The Chinese Marxists' dictum is that 'thought determines action' and so the party has to bend every sinew to influence opinion abroad, secure the resources they need from overseas and prevent interference with their affairs at home.

Public Diplomacy

China's leaders want to show through the 'three warfares' both to their own people and foreigners that their maritime activities in the South China Sea and Pacific are both legally and morally justified and that it is the United States which is the cause of friction in the region. As Wang Yusheng, the former Chinese Ambassador to APEC put it, Washington's objectives in focusing its attention on the Pacific are 'to prevent Japan and other allies from moving away and strengthen its grip on them; to encourage Vietnam, the Philippines and others to create trouble for China and derail China's goal of building a harmonious neighbourhood'. He suggested that Washington also wants to create an arms race in the area and dominate regional organisations. [827]

In the developing propaganda battle the Chinese enjoy the advantages of having:

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[826] An Huihou, 'The principle of non-intervention versus "neo-interventionism"', *Foreign Affairs Journal*, loc cit, pp 38-49.
[827] Wang Yusheng, 'Thoughts on China's response to US strategic shift to the East', *Foreign Affairs Journal*, loc cit. p. 51.

- Immense funds which they can devote to expanding their overseas broadcasts and institutes, encouraging their supporters to participate in debates on the web and backing journals which agree with their position on, amongst other issues, maritime disputes over the South China Sea and the Pacific.

- Funds and technology which can also be used to aid weak and poor countries particularly in Africa and win their support and votes at the UN and other international forums.

- The good will of many peoples round the world who recall the suffering of the Chinese under Chairman Mao, admire the way in which China has developed its economy over the last decade and who benefit from cheap Chinese products.

- The general foreign desire to avoid conflict and thus to play down the implications of Chinese maritime assertiveness and encourage other states to appease Beijing.

- The willingness of the international media to balance foreign criticisms of Chinese behaviour with Chinese justifications for their policies while China's domestic media give only the government's account.

But they also have:

- No ideology to attract foreign support. Communism is seen inside and outside China as a failure, and the Chinese economy bears not the faintest resemblance to classic Marxist ideas.

- A domestic political system which increases foreign anxiety because of the

secrecy which surrounds its decision making and which is also under rising criticism amongst Chinese users of the web.

- To face growing anxiety abroad about the expansion of their military power and specifically their activities in the South China Sea and Pacific.
- To face further setbacks if Manila were to succeed in its legal case against China at the International Tribunal on the Law of the Sea over Chinese intrusion into the Scarborough Reef which is also claimed by the Philippines.
- Growing tension between their desire to appear as a responsible great power and the demands of their own people for an assertive foreign policy.

Nationalism

When the mass of people are educated for the first time in any country the newly politicised generations tend to be nationalistic. Learning about history for the first time, they focus on what they see as the wrongs done to their ancestors- the Irish on their famine in the mid-19th century, the Islamists on the Crusades and the Chinese on the ‘century of humiliation’ ending in the Japanese attacks in the 1930s and 1940s. The Chinese government has accentuated this tendency by fostering nationalism and anti-Japanese feelings through the emphasis they place on Japanese aggression in the 1930s and 1940s to compensate for the general loss of faith in communism. Now, however, officials insist that they have to attune their politics to popular feelings over Taiwan, Tibet, Japan and the South China Sea and so their options are limited by the situation they have helped to create.

<u>Foreign Views of China</u>

As nationalism and geopolitics push China to become more assertive, it is going to be ever more difficult for the Chinese to retain the present level of sympathy for their country amongst the Pacific rim countries and indeed beyond, hence the importance the Chinese give to the 'three warfares'. In its 2007 survey Pew found that 83% of Malaysians, 52% of South Koreans, 29% of Japanese and 65% of Indonesians had either a 'very favourable' or 'somewhat favourable' view of China.[828] Gallup reported in 2012 that, when asked whether a close relationship between the US and China was a 'good thing', 81% of adult Americans and 88% of opinion formers responded positively.[829] Such pervasive goodwill helps the Chinese because it encourages foreigners to minimise the implications of their assertiveness. Manila's decision to mount a legal challenge to China over the Scarborough Reef has, for example, divided the ASEAN countries.

Nevertheless, Pew's 2011 poll showed widespread concern about the growth of Chinese military strength, 87% of Japanese, 74% of Russians, 55% of Mexicans and 51% of Brazilians seeing it as a disadvantage for their country.[830] In the same 2012 Gallup poll in which Americans expressed favourable views of China, 61% said China's growing influence was not a 'good thing'. The continuing maritime disputes with Japan and in the South China Sea will have accentuated these feelings in 2012. In fact, polls have demonstrated that Pakistanis and Palestinians are almost alone in taking an optimistic view of the growth of Chinese military power and this can provide little encouragement to Beijing as there are very specific reasons why these peoples welcome the expansion of China's military strength. More generally between 2005 and 2007, favourable opinions of China fell by 18% in Spain, 16% in Britain and 10% in India.

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828 'Global Unease with Major World Powers', Pew Global Attitudes Project, released 27 June 2007, Spring 2007 Survey, p. 90.

829 'Americans see benefits of close US-China relations', 17 April 2012, http://www.gallup.com.poll/153911/Americans-Benefits-Close-China-Relations

830 'China seen overtaking US as global superpower', Pew Global Attitudes Project 13 July 2011, p. 5.

Such polls show the extent of China's presentational difficulties. It suffers because of its domination of Tibet and its threats against Taiwan; public opinion normally favours 'David' against 'Goliath'. Its maritime disputes with Japan, Malaysia, the Philippines, Indonesia and Vietnam, and its reluctance to negotiate these multilaterally underlines the presentational challenge that Beijing faces. Apart from the relative balance of power between China and each of the littoral countries individually, the Chinese authorities may well feel that it is easier to negotiate compromises and commercial arrangements in a small forum where confidentiality can more easily be retained and their own public will not become over-excited. But if they are going to persuade the smaller countries of these benefits, they have to show a willingness to make concessions.

When maritime crises do occur, the Chinese have learnt from Western writings and from their own experience that they have to give their interpretation of events to foreign journalists as soon as possible and for their spokesmen to be available for questioning.[831] Like all governments they are also having to face up to the fact that videos and mobile phones spread photographs of events across the world faster than governments can react. As a result they have been caught out on a number of occasions putting out stories which are quickly shown to be false. In this and other ways there are major technical differences between the propaganda battle fought between the Western media and the Soviets in the Cold War years, and the struggle over the three warfares which is shaping today.

In the Cold War Western governments subsidised the Voice of America, Radio Free Europe, the BBC and other organisations to present their case while the Soviets produced their own propaganda and spent millions on trying to block Western

[831] Huang Xingyuan, 'Actively explore new thinking on China's public diplomacy', *Foreign Affairs Journal*, Loc cit, p. 33.

broadcasts into Eastern Europe.[832] Today Western domination of the world media through the news agencies, television programmes, films and newspapers is eroding, and will continue to do so over the next decade as regional media become stronger and the web becomes the medium of choice for the young.

While the erosion of the historic sources of Western soft power is disconcerting, the fundamental presentational problems are greater for the Chinese for the reasons listed above. Furthermore, the ability of Gallup, Pew and other polling organisation to gather opinion from round the world provides a rolling referendum on the actions of the Great Powers. Chinse have to ask themselves why foreign peoples fear the growth of their military strength and deplore their assertiveness. They have a further difficulty in responding because, while Western politicians see public criticism as normal, Chinese leaders travelling abroad do not respond to opposition with much adroitness or sympathy, and the natural instinct of the Chinese bureaucracy is to try to bully those who oppose its actions.

This has been particularly obvious recently in China's relations with Japan. In 2010 Japanese commentators reacted with fury when the Chinese Foreign Ministry appeared to be trying to push them into ousting their Foreign Minister, Maehara Seiji because of his forthright comments over a collision between the two countries' ships off the Senkaku Islands. 'Instead of dealing with Japan as an independent and equal counterpart of negotiations, [China] looks down on her as Chinese dynasties in the past had done so'.[833] Two years later, following further maritime friction with Japan, Beijing cancelled events to mark the 40th anniversary of the opening of diplomatic relations between the two countries, failed to send representatives to meetings of the IMF and World Bank in Tokyo and called off

[832] K.R.M.Short, Editor, *Western Broadcasting over the Iron Curtain*, Croom Helm, London, 1986.

[833] Ito Kenichi, 'China's move to oust Maehara is intolerable', Japan Forum on International Relations, 20 December 2010, http://www.jfir.or.jp.

meetings of businessmen and members of the media.[834] Such heavy-handed behaviour compounds media scepticism about the reliability of the Chinese and their behaviour. As a result, Japanese commentators have become increasingly critical of past government's 'appeasement' of China and have applauded the current government's efforts to revitalise US-Japanese relations and to take a firm action against the intrusion of Chinese naval forces into what they see as Japan's waters.

As Beijing struggles with the challenges of assuming a greater role in global affairs, the government also has to deal with the flood of domestic criticisms found on 'Weibo'. It responds by paying those who post favourable messages on the web and sometimes by dismissing officials who become too unpopular. But Chinese are gradually learning from the web to compare their government's behaviour with that of foreign authorities, and the comparison is often not to China's advantage . Moreover, there is an inherent danger in bribing people to post favourable messages as all such messages may come to be dismissed (and many have) as the products of paid party hacks. If domestic scepticism grows, as it is tends to do in any dictatorial system, there comes a tipping point where rumours and foreign stories replace the official line.

Conclusion

- Chinese experts in public diplomacy and the media argue that they will be a critical and growing aspect of the three warfares over the next decade. In other words, they recognise the weight of Joseph Nye's comment that it is not the one whose army wins but the one whose story wins who is the 'real'

[834] Ishigaki Yasuji, 'Mutual Trust in East Asian Regional Cooperation on the Rocks', Council on East Asian Community E-letter 10 January 2013.

victor .

- Chinese analysts want their government to see that winning over of foreign public opinion is the most important role of diplomacy, they call for the education of more experts in the field and better coordination of policy. They also want to improve the treatment of foreign correspondents working in China. As one admitted, they need to stop treating journalists as 'all-penetrating enemies who come to China to find faults' and to give up trying to maintain the impression of unanimity of opinion.[835]

- Over the next ten years the West can, therefore, expect Chinese spokesmen to become faster and more eloquent at explaining their point of view. They will reiterate on every occasion that their country is merely defending its historic rights and interests in maritime disputes, that it is the US which is interfering in the South China Sea and that China wants simply to occupy the position natural to a great power.

- But, as one commentator on communist China put it half a century ago, 'the system is backed by force, and, should persuasion fail, the regime does not hesitate to resort to violence, which, incidentally, should also be considered a means of communication'.[836]

- Devoting financial resources to the presentational struggle, as the West did during the Cold War, will no longer be as effective as it was then because the battlefield has moved in large part to the web. Where Western resources and advice can be most helpful is in providing legal advice for littoral governments and training courses for journalists and government spokesmen

[835] Huang Xingyuan, 'New thinking on China's public diplomacy,' *Foreign Affairs Journal*, Loc cit, p. 37.
[836] Yu, *Mass Persuasion*, p.156.

because it is more effective for the littoral states to explain their position vis a vis China than for the Western countries to make their case

- Western spokesmen at the UN and other forums will have to reiterate their commitment to the peaceful settlement of disputes but they also have to make clear that their treaty commitments in the region still stand as does their commitment to the freedom of the seas.

11.

CHINA'S THREE WARFARES CONCEPT RELATED TO INDIA AND THE INDIAN OCEAN REGION

COMMODORE UDAY BHASKAR, IN (ret.)

Introduction

This policy brief seeks to review and interpret the Chinese concept of "three warfares" (hereafter TW) from an Indian perspective and examines its utilization in relation to India and the IOR. It further explores two issues – namely the possible scenarios in which the PRC / PLAN are likely to use this concept to establish a presence in the Indian Ocean region (IOR) and the probable Indian response ; and

a possible pre-kinetic, China-India conflict scenario which may compel an India maritime response.

Prevailing western scholarship is ambivalent about the origins of the three warfares (TW) in Chinese politico military strategy. There is one suggestion that the Chinese have dug deep into their own historical records of military strategy, going back to Sun Tzu (c. 540 BC) who laid great emphasis on the imperative of "winning without engaging in War" to evolve a doctrine of TW. Another view suggests that the Chinese developed the doctrine by looking at the American way of going into war, particularly in the run up to the first Gulf War of 1991 and hence evolved their own doctrine. Some analysts aver that western strategic discourse differentiates 'information operations', which are meant for peacetime objectives, from 'information warfare', which is used only in military conflict.

It is our contention that what the US and western allies refer to as information warfare has largely to do with blinding the enemy's command and control assets by destroying them with stand-off precision ordnance. In contrast the Chinese TW formulation is not a warlike activity at all, and is executed by the PLA's General Political Department (GPD) as a means to a larger objective entrusted to the General Staff – which is to use military force either to wage war or ensure desired compliance through "compellence".

Given the deep influence of Moscow on Chinese pol-mil leadership, this formulation may have been derived from the old Soviet model wherein the political commissar provided the context, rationale and motivation for the Soviet military. The role played by Nikita Khrushchev, who had no General Staff role

during the battle of Stalingrad but was yet credited with the tenacious Russian victory is illustrative.

The Three Warfare Concept

In the post-Cold war context, the TW concept began appearing in Chinese strategic discourse in 2004, after it was presumably included in the PLA's 'Political Work Rules' in December 2003. The common objective of the 'concept' revolves around making concerted efforts to "influence the adversary's political and strategic leadership" on one hand; and "shape the general discourse both, domestically and internationally, in favour of Chinese viewpoint by information management." In this effort, the Chinese media – which is more or less configured appropriately to disseminate the officially held viewpoint – provides an ideal means to wage the psychological and related legal warfare initiatives in various nuances and shades.

Thus we perceive the TW concept as one that integrates three elements - the psychological, media and legal warfare. Specific to the judicial strand, it is instructive to note how the Chinese see legal warfare as a vital tool, to be utilized to their advantage in such a manner that the global community has no option but to accept their formulation notwithstanding its concerns. This is achieved broadly by resorting to three main methodologies, as follows:

(a) Engage in 'passive yet earnest legal warfare' wherein the Chinese appear to abide by laid-down international laws and conventions –while concurrently deriding those who either operate at the extremities or in some cases are not signatories/ have not ratified such laws. Some examples are

the Chinese criticism of US as far as its intervention in UNCLOS matters is concerned, as also its selective opposition to issues concerning NPT and the Nuclear Suppliers Group (NSG). It merits note that China itself is seen to stretch the interpretative limits of certain legal provisions / global norms by advancing its own formulations of such stipulations.

(b) Gain entry into various pre-formed multilateral diplomatic, economic, cultural, scientific, educational and security institutions for global governance, frameworks and formulations – either by invoking its legitimate right or by bank-rolling itself – then question the provisions and the very basis of such mechanisms from within. The ultimate aim of such an approach is to follow a 'revisionist agenda' to suit Beijing's interests, the whole process being made to appear as appropriate legal intercourse between proponents of diverse world-views ; furthermore, fashion its own alliances where it is not feasible to gain entry into a grouping , or when China finds that joining such a forum would only be disadvantageous to its interests. Consequently, China retains the freedom to set the rules and shape the agenda - either as the sole entity or part of the founding group. Some of these alliance – SCO, ASEAN+3, BRIC followed by BRICS – are considered to be absolutely legitimate groupings, brought about by certain common issues, interests and perceptions of the participating countries, but in which China is the main, founding or the predominant partner. China, armed with a set of 'legally acceptable' rules of business and with the backing of compliant partners, then seeks to challenge the established fora comprising the proverbial 'other camp' by questioning their credibility, legitimacy and relevance.

In summary the core objective behind the TW concept is not to seek outright victory on any given matter, but to use its elements as a subtle, Trojan-horse means to realize the desired end. Shaping of the dominant discourse and prioritizing a given historical narrative (for e.g. invariable reference to the 'humiliation' heaped upon China by colonial powers and the brutalities visited by Japan upon China in the early 20th century) has a correspondence with the Foucault thesis of the co-relation between power and discourse.

Application of TW in relation to the Indian Ocean Region and India

(a) It could be used to influence the leadership of IOR littoral nations, particularly those who are dependent on China to a reasonable extent for their political and economic well-being. For instance, China's recent overture of visibly emphasizing cultural linkages and bonding with Myanmar when that country is already under substantial Chinese influence, may be seen as a clear demonstration of TW. The specific incident relates to the commemoration of a war victory achieved by the Chinese Expeditionary Force against the Japanese in the Yenangyaung Battle in 1942 in Myanmar. 70 years later, nearly one hundred people from both China and Taiwan gathered in Myanmar and held a ceremony to unveil a monument for former anti-Japanese heroes on January 13, 2013. The event was publicized in the Chinese media as a great historical event which saved the Burmese nation from the clutches of the 'Japanese aggressors'.

(b) Widespread celebrations of the fourth anniversary of the ongoing Chinese/ PLAN anti-piracy escort mission and patrols in the Gulf of Aden and waters off the Somali coast were held in China on December 26, 2012. It was highlighted that a total of 34 warships, 28 helicopters and 10,000-odd personnel had participated in these missions till date, wherein they had accomplished more than 500-plus escort missions for 5,000-odd Chinese and foreign merchant ships, and successfully rescued/salvaged over 60 ships. This whole endeavor is being painted in the Chinese discourse as China's contribution to the greater global good, peace and stability. But in actual effect, the PLAN is benefiting tremendously from distant sea-going operational experience, personnel training and equipment performance. Simultaneously, logistical management skills and creation of administrative support infrastructure associated with its Military Operations other than War (MOOTW) strategy, in a strategically vital theatre – the IOR – are being acquired. Related international relations and diplomatic successes are additional benefits that accrue from this deployment.

(c) Use of psy-ops against India was the warning issued to an Indian naval warship, INS Airawat, when operating offs the coast of Vietnam in July 2011. China did not officially claim any linkage with the threat, but it was apparent to all concerned 'where' the warning had emanated from, 'who' it targeted, and 'what' it was meant to convey. The caller identified himself as belonging to the PLAN and after asking the Indian ship to identify itself, warned: "You are entering Chinese waters. Move out of here". However, officers on the Indian warship confirmed that no Chinese ship or vessel was seen on the horizon or picked up on the radar. (Times of India, Sep 2, 2011)

(d) Another instance of the use of psychological warfare against India was during India's Agni V missile test in 2012. After the successful launch of the long-range, nuclear-capable missile , a Chinese media report chided and taunted India, even as it made an outward pretense of applauding the missile test. "While the test has catapulted India into a higher league", the report observed: "New Delhi always set China as a reference point for its military development….until the 1980s, India was far more advanced than China in both economy as well as technology. After that, China raced ahead, and today has outclassed India in both areas…the celebrations over the missile concealed the inadequacies and slow pace of India's missile program, and hide the fact that successive Indian governments have capitulated to pressure from NATO to restrict the range and power of their launch vehicles". (Global Times, Apr 22, 2012) This media source it may be added is perceived to have close links with the hardliners in the Chinese military.

e) Nuance is an important element of the psy-ops strategy being used by some constituencies in China and the GT report above merits further recall to illustrate this pattern. Going beyond veiled threats and political jibes, 'soft intimidation' involving a degree of subtleness and a collective Asian identity is also invoked. In this case, to convey a nuanced message effectively, the op-ed alternates between seeking to be provocative and yet assuage Indian sensitivities. A comment in the report discussed earlier provides an example of this: "Although there is an international effort to paint India and China as enemies and to make the two countries go to war with each other, such an effort will fail. The Chinese and Indian people share a long history and culture, and what is needed is more discussion between the two about their

> economics, education, tourism and culture….By playing up the 'China threat' and postulating that India can 'counter and contain China,' vested interests are hoping to ensure that more and more money is spent on foreign weapons systems rather than domestic manufacture." The inference that could be drawn is that there is a degree of ambivalence about what kind of a message is being conveyed in the sub-text; that there is no single track ; and that the personnel and organizations involved in disseminating such articulation may themselves be of varying persuasion as regards how to project / interpret Indian intent or initiative and how to deal with the collective Indian entity.

Chinese Deployment in the Indian Ocean and TW

A brief recall of the use of military force by China over the last four decades would suggest that TW is a recent skill-set in Beijing's inventory. The most dramatic and successful use of military force for China was the January 1974 occupation of the Paracel islands when the PLAN supported by other services defeated the South Vietnamese navy in a short-swift operation and seized the Crescent Group of islands. At the time there was no attempt to use any of the elements of TW to advance the Chinese initiative. However in the current period, Beijing is keen to project its 'peaceful rise' profile – wherein the menacing dragon transmutes into gentle panda ! Thus any significant use of military force by China would no longer be the single-point decision that a Chairman Mao could take – as for instance in October 1962 against India – and that decisions taken by the current leadership with Xi Jinping at the helm of the CMC would be more cautious, collegial and committee driven.

The CMC has under it the PLA General Political Department, whose mandate is: “The General Political Department (GPD) is the political department of the Central Military Commission (CMC) and the leading organization of the PLA in party and political matters. It is responsible for ideological education, cadre personnel, party affair, security, discipline, ***propaganda,*** military-civilian relations, and servicemen warfare”. (emphasis added).

As noted earlier, the GPD is not an independent actor in embarking upon or initiating a TW campaign. It would function under the directives of the CMC and the General Staff, who will first have to determine that Beijing needs to conduct a politico-military offensive, for which it will then give latitude to the GPD to conduct a supporting TW campaign.

In the Sino-Indian context, the possible scenarios where can one envisage the CMC taking a grand strategic decision that will need a supporting TW campaign are :

(a) To carry out a military offensive to capture Tawang and particularly the monastery as a means to integrate it with Tibet, ostensibly to assuage purported Tibetan sentiment.

(b) To enforce the denial of the right of the other countries (in this case India) to carry out maritime exercises in the South China seas within the dotted lines.

(c) To operate a CBVG for extended periods in the Indian Ocean.

(d) To acquire a base in the India in the Ocean littoral.

While the list is not comprehensive, it is our contention that TW would be invoked to support a major/grand strategic decision by the party-military apex in Beijing to take recourse to military force. Thus the primary objective of the TW would be to sow seeds of doubt, apprehension and uncertainty in certain foreign capitals about China's continued commitment to 'peaceful rise' and concurrently persuade the domestic audience about the logic for this departure. Latent Chinese nationalism can rapidly become chauvinistic and shrill through tacit TW application and this has been evidenced in late 2012 in relation to a carefully calibrated anti-Japanese campaign.

Of the above four exigencies, we consider the third in some detail because the contextual condition already exists. Chinese cargo is a dominant element in the Indian Ocean SLOCs and it is estimated that within the decade, China bound hydrocarbon laden-carriers through the Malacca will triple its current index and that the Japan-China ratios will be inversed. This is a major concern for Beijing and since 2003, the top leadership (Hu Jintao) has expressed concern about China's 'Malacca Dilemma'. However the CMC is not in a position to do anything about it yet because the PLAN is still growing and all available naval forces are required for national ends in the West Pacific.

However the insatiable appetite for natural resources will ensure that China's share of the Indian Ocean SLOCs traffic will double every eight years or so, assuming the country's GDP continues to grow at 9%. Consequently domestic pressure will mount to protect China's wealth in the Indian Ocean, while the PLAN continues to grow. At some stage (2022 ?) the tipping-point will be arrived at, wherein Beijing decides that its expanding sea-borne trade and the need to maintain a certain trans-oceanic presence will require to it send a task force to the Indian Ocean to

project power, protect SLOCs and show the flag. China it is averred is unlikely to take the Japanese option in transiting the Indian Ocean, wherein Tokyo left it to other powers (USA) to protect its oil. Beijing is convinced it has a distinctive Malacca Dilemma and it will move militarily to resolve that dilemma when it has built up enough naval power to meet the maritime security compulsions in both oceans - the West Pacific as well as the Indian Ocean.

Presuming that this PLAN task force for the IOR will be a carrier led battle group, (CVBG) it would have a very significant impact on the regional strategic grid. This is one initiative that Beijing will have to prepare the world for, as it could cause a ripple effect of counter-responses worldwide. The counter effects could be reduced by Beijing through a concerted and persuasive TW campaign to prepare regional and global public opinion for this step and to justify that China continues to rise peacefully, despite an Indian Ocean deployment. With the wealth that Chinese now commands, an innovative media campaign to justify an Indian Ocean deployment should not be very difficult with legal justification based on precedence.

China has already moved into the IOR on the anti-piracy plank and as noted earlier, Beijing is projecting this as part of its contribution to the ‘global good’ and the maintenance of SLOC security – which is a shared objective. The politico-diplomatic and military-economic investment made by Beijing in the IOR littoral – whether Gwadar (Pakistan), Humbantota (Sri Lanka), or Sittwe (Myanmar) - could be further deepened as China’s economic and trade profile increases in the region and the smaller IOR countries are drawn into greater levels of dependence. Some Chinese commentaries have begun to assert that just as the USA has found it necessary to maintain bases well beyond its mainland – China

which will soon become the world's number one GDP (2022 ?) does not have to be apologetic or hesitant about staking similar claims. How China's regional interlocutors – Japan, ASEAN, India and the USA will respond to this TW effort to move a PLAN CVBG into the IOR will define the degree to which the waters of the Indian Ocean will be roiled.

Pre-kinetic scenario involving China and India

India and China have a very complex and contradictory relationship where each is wary of the other. India is the subaltern on critical aspects of tangible national power - economic and military – (China's GDP is almost four times that of India and the Defense outlay has a similar asymmetry in Beijing's favor) and the contradictory tenor is evidenced in the fact that although both countries went to war in 1962 over an unresolved territorial and border dispute – which remains exactly where it was 50 years ago - China will soon become India's largest trading partner. Robust trade does not axiomatically lead to a stable and satisfactory security relationship and the China-Japan and US-China bi-laterals are case in point.

Two security issues are of abiding concern for India in relation to China. The first is the unresolved territorial and border issue and the second is the close WMD cooperation between China and Pakistan. While India is an inherently status quo state and has not sought to alter or redress any of its security concerns by using its military capabilities – both China and Pakistan have adopted a revisionist agenda – the former in a covert, strategic manner – the latter in a visible tactical mode – the 1999 Kargil War being illustrative.

India's worst case scenario is an exigency where it is faced with a two-front military challenge, in that Chin and Pakistan act in tandem to intimidate India or seek territorial gains. It is our contention that China acting in a militarily aggressive manner against India is a very low probability exigency given the cautious posture adopted by the political leadership on both sides. There is a tacit understanding that the 1993 Jiang Zemin-Narasimha Rao peace and tranquility accord between the two Asian giants will be respected. It is true that neither side has fired a shot in anger – despite the vast number of troops deployed in close proximity along an un-demarcated border.

Yet if there is any move by China to be seen to be moving militarily into the Indian state of Arunachal Pradesh to take Tawang – the amber lights would flash for India and the bi-lateral relationship will move into what may be described as the 'pre-kinetic' phase. While India will move its land and air forces in appropriate manner – the more effective riposte for India (presuming cyber war has already been brought into play) would be to turn the flank to the maritime domain. These military moves – short of the actual exchange of ordnance may be accompanied by use of TW strategy by China – and India would have to carefully calibrate its pol-mil response.

An all-out war, with both sides using their total military capability is, in our assessment, a low probability exigency – the focus will be on 'winning the story' rather than the military war. Escalation may not be as swift given the international repercussions and the inherent political caution on both sides. For India, moving its naval units – carrier, nuclear submarine and surface units across the Indian Ocean – from the east coast of Africa to the Malacca is the more effective option and will have a restraining effect on China. Tracking Chinese merchant/hydrocarbon vessels

in the IOR and either boarding them – or signaling that they could be boarded – is the next rung in the pre-kinetic pattern.

Depending on how the land situation unfolds – Delhi will have to take a call about whether or not to use ordnance at sea and this may be contextualized against two time frames. In the immediate future – till 2018 – it appears unlikely that China will have significant naval assets in the IOR. Thus India could convey firm signals on the maritime front and work towards a de-escalation and political resolution. However after 2020 it is presumed that the PLAN will have acquired adequate naval assets which have been brought into the IOR (as elucidated in the earlier section) and India's naval edge may be blunted.

Gaming a Sino-Indian war in this century with its distinctive techno-strategic characteristics and the dense lattice of globalization and trade-economic interdependence cannot be confined to the dyad – and the responses and orientation of other nations – particularly the USA, Russia and Pakistan will be relevant. Depending on the permutations that obtain – path dependency will come into play (for example, will the USA be totally neutral and/ or will Pakistan decide to become a belligerent?) and many scenarios can be envisaged. But time and perception management will be high priority determinants for both Beijing and Delhi. We may well have a piquant and anomalous conclusion of the pre-kinetic phase stopping short of all-out war, with both sides claiming a 'victory' – and thereby saving face in their respective domestic context.

The Wild card

The application or relevance of TW for China will be issue-specific, in terms of the large/grand strategic decisions taken by Beijing. Using military force to alter the territorial status quo a la Tawang is one scenario – and one is of the view that China is less likely to embark on this path. Where TW could be utilized in the IOR is one wild card scenario, which has a higher probability – and could be a game-changer if Beijing and the PLAN internalize the tenets of maritime strategy and the co-relation with Grand National strategy.

Extrapolating from the Wegener formulation that the constraints of geography could be trumped by access to distant naval bases – one scenario that could radically alter China's geography is the exigency that one of the IOR islands (Maldives?) becomes an overseas Chinese territory. Just as Reunion has made France an Indian Ocean state, the political possession of an island in the IOR would be a game-changing maritime development for Asia and the world. Were this to become a long-term objective for Beijing, then the steady application of TW towards this end is axiomatic and all the elements could be fruitfully harnessed by the PLA GPD. China would have then entered India's backyard and become a 'close' neighbor in more ways than one!

IX. APPENDIX

A) Potential sources of oil for China in the event of a blockade

Among China's neighbours, only Russia and Kazakhstan produce enough oil to ameliorate the effects of an US blockade. Russia, as the world's largest oil producer – over ten million barrels per day – would alone be able to supply China with enough oil for all its needs.[837] Kazakhstan's smaller but still substantial oil production – less than two million barrels per day[838] - could also help to relieve the harshest effects of the blockade.

In addition to this, China could also import through three potential sub-regional transit routes:[839]

i. Central Asian route – via Tajikistan or Kyrgyzstan

ii. Southwest Asian route – via Afghanistan or Pakistan

[837] Ibid
[838] Ibid
[839] Ibid P.9

iii. Southeast Asian route – via Burma or Laos.

Analysts point out that China could, in theory, use any nation on these routes with access to international markets as a stepping stone for imports.[840] However in 2011 China purchased almost 60 per cent of its oil abroad – some 5.7 million barrels per day – and it then dependent on maritime transport to bring 90 per cent of that oil home.[841] Given this estimate, and the fact that China is set to become even more intensely reliant on oil in its industrial and transportation sectors[842], this places an enormous burden on alternative importation routes. For instance, there are certain limitations to the amount of oil a day that China could potentially import using Russian and Kazakh pipelines – with China currently able to import roughly 500,000 barrels of oil per day via these pipelines.[843] However analysts note that during a Sino-American conflict, Beijing would likely be willing to pay the higher cost of shipping Russian and Kazakh oil via railway systems and in trucks.[844]

Furthermore, the infrastructure on the three alternative routes is not designed to support the transportation of such large quantities of goods to China and may suffer from severe overload. Sean Mirski details that the Central Asia and Southwest Asia routes in particular would be 'severely hampered by the extensive mountain ranges that act as an alpine fence dividing China from its western neighbors'.[845] These other potential routes could thus only relieve China's blockade to a limited degree, and not without substantial difficulty.

[840] Ibid P.9
[841] Ibid P.5
[842] Ibid
[843] Ibid P.8
[844] Ibid P.9
[845] Ibid P.9.

B) India: documents, memoranda of conversations.

Harsh V. Pant. ‘China and India: A Rivalry Takes Shape’.

With the world riveted by Chinese aggressiveness against Japan and Southeast Asian states in recent months, one country has not been surprised: India. After all, New Delhi has been grappling with the challenge of China's rapid rise for some time now. Bilateral ties between China and India nosedived so dramatically in 2009 that Indian strategists were even predicting "the year of the Chinese attack on India"; it was suggested that China would attack India by 2012 primarily to divert attention from its growing domestic troubles. This suggestion received widespread coverage in the Indian media, which was more interested in sensationalizing the issue than interrogating the claims. Meanwhile, the official Chinese media picked up the story and gave it another spin. It argued that while a Chinese attack on India is highly unlikely, a conflict between the two neighbors could occur in one scenario: an aggressive Indian policy toward China about their border dispute, forcing China to take military action. The Chinese media went on to speculate that the "China will attack India" line might just be a pretext for India to deploy more troops to the border areas.

RHETORIC AND REALITY

This curious exchange reflects an uneasiness that exists between the two Asian giants, as they continue their ascent in the global inter-state hierarchy. Even as they sign loftily worded documents year after year, the distrust between the two is actually growing at an alarming rate. True, economic cooperation and bilateral political as well as socio-cultural exchanges are at an all-time high; China is India's largest trading partner. Yet this cooperation has done little to assuage each country's concerns about the other's intentions. The two sides are locked in a

classic security dilemma, where any action taken by one is immediately interpreted by the other as a threat to its interests.

At the global level, the rhetoric is all about cooperation, and indeed the two sides have worked together on climate change, global trade negotiations and demanding a restructuring of global financial institutions in view of the global economy's shifting center of gravity. At the bilateral level, however, mounting tensions reached an impasse last year, when China took its territorial dispute with India all the way to the Asian Development Bank. There China blocked India's application for a loan that included money for development projects in the Indian state of Arunachal Pradesh, which China continues to claim as part of its own territory. Also, the suggestion by the Chinese to the U.S. Pacific fleet commander last year that the Indian Ocean should be recognized as a Chinese sphere of influence has raised hackles in New Delhi. China's lack of support for the U.S.-India civilian nuclear energy cooperation pact, which it tried to block at the Nuclear Suppliers Group (NSG), and its obstructionist stance about bringing the terror masterminds of the November 2008 Mumbai attacks to justice have further strained ties.

Sino-Indian frictions are growing, and the potential for conflict remains high. Alarm is rising in India because of frequent and strident Chinese claims about the Line of Actual Control in Arunachal Pradesh and Sikkim, where Indians have complained of a dramatic rise in Chinese intrusions into Indian territory over the last few years, most along the border in Arunachal Pradesh, which China refers to as "Southern Tibet." China has upped the ante on the border issue. It has been regularly protesting against the Indian prime minister's visit to Arunachal Pradesh, asserting its claims over the territory. What has caught most observers of Sino-Indian ties by surprise, however, is the Beijing's vehemence in contesting

recent Indian administrative and political action in the state—even denying visas to Indian citizens of Arunachal Pradesh.

The recent rounds of boundary negotiations have been a disappointing failure, with a growing perception in India that China is less willing to adhere to earlier political understandings about how to address the boundary dispute. Even the rhetoric has degenerated to the point that a Chinese analyst connected to China's Ministry of National Defense claimed, in an article last year, that China could "dismember the so-called 'Indian Union' with one little move" into as many as 30 states.

A NEW ASSERTIVENESS

The possibility of an intimate U.S.-India military relationship has generated fears of encirclement in Beijing. India's position astride China's key maritime shipping lanes has made the prospect of a Washington-Delhi axis particularly worrisome.

Pakistan, of course, has always been a crucial foreign policy asset for China, but with India's rise and US.-India rapprochement, its role in China's grand strategy is bound to grow even further. Not surprisingly, recent revelations about China's shift away from a three-decades' old cautious approach on Jammu and Kashmir, its increasing military presence in Pakistan, planning infrastructure linking Xinjiang and Gwadar, issuing stapled visas to residents of Jammu and Kashmir and supplying nuclear reactors to Pakistan, all confirm a new intensity behind China's old strategy of using Pakistan to secure its interests in the region. China has gone even further than Pakistan in defining the Kashmir issue. While Pakistan insists that Kashmir is a disputed territory, recent Chinese positions have made it clear that Beijing believes Pakistan occupied Kashmir (PoK) is Pakistani territory with India's Kashmir state is the only part of the province that is disputed. Pakistan

seems to have ceded responsibility for the Gilgit-Baltistan area of PoK to China as the reported presence of 7,000-10,000 PLA troops there.[1] The real concern for India, however, is the number of projects that China has undertaken in these areas and that footprint is likely to increase much larger.

Though Indian political leadership continues to believe that Beijing is not a short-term threat to India but needs to be watched over the long-term, Indian defense officials have increasingly been warning bluntly about the growing disparity between the two Asian powers. The Indian naval chief has warned that India neither has "the capability nor the intention to match China force for force" in military terms, while the former Indian air chief has suggested that China posed more of a threat to India than Pakistan. China's economic transformation has given it the capability to emerge as a major military power, spending as much as $65 billion a year on its defense forces. China's military may or may not be able to take on the United States in the next few years, it will surely become the most dominant force in Asia. As a consequence of its growing capabilities, China has started asserting its military profile more significantly than before. In 2009, Chinese vessels tackled Somali pirates in the Middle East, the first time Chinese vessels operated outside Asia. Beijing is also considering sending combat troops abroad in support of United Nations peacekeeping efforts. Chinese military officers are openly talking of building the world's strongest military and displacing the United States as global hegemon, by means of a war if need be. This might be a bit premature, as the U.S. military still remains far more advanced than China's, which does not yet possess the capability to challenge the United States far from Chinese shores. It's China's neighbors, however, who are bearing the brunt of China's new assertiveness.

China's sustained military build-up will continue over the next few years and will pose a challenge to Indian military planners as the Indian military's modernization program is fast losing momentum. India needs to urgently review its defense preparedness vis-…-vis China. As the policy paralysis post-Mumbai has revealed, it seems to have lost even its conventional superiority over Pakistan. The real challenge for India, however, lies in China's rise as a military power. India is speeding up its defense procurement but the process remains mired in bureaucratese and lacks any sense of strategic direction. Between 2010 and 2016, India is expected to spend $112 billion on capital defense acquisitions in what is being described as "one of the largest procurement cycles in the world." The Indian Army is raising two new specialized infantry mountain divisions (35,000 soldiers) and an artillery brigade for Arunachal Pradesh, designed to redress the imbalance on the Sino- Indian border. It is also revising its conventional war- fighting doctrine that is aimed at deterring-as opposed to dissuading-China, though its meaning in operational terms remains far from clear. The Indian military is currently refining a "two-front war" doctrine to fend off Pakistan and China simultaneously.[2]

According to an estimate by the Indian government's own China Study Group, China now possesses the capability to move more than 10,000 troops to the Indian border in twenty to twenty-five days compared to three to six months a decade back. This is possible because of China's efficient border management, and it has forced India into constructing border roads urgently. By engaging in repeated, though controlled, provocations, the Chinese military is carefully probing how far it can push India. The new military restiveness on the Sino-Indian border does not bode well for India as the military balance along the long and contested border

is rapidly altering in Beijing's favor. It is not without reason that China has upgraded its military and civilian infrastructure in Xinjiang and Tibet. As a consequence, Tibet has become a militarized zone.

CHINA'S POWER PROJECTION

China's enhanced military prowess is leading to an assertion of its interests more forcefully, more often than not, adversely affecting Indian interests. As China becomes more reliant on imported oil for its rapidly growing industrial economy, it will develop and exercise military power projection capabilities to protect the shipping that transports oil from the Persian Gulf to China. The capability to project power would require access to advanced naval bases along the sea lines of communication and forces capable of gaining and sustaining naval and air superiority.

China is acquiring naval facilities along the crucial choke points in the Indian Ocean not only to serve its economic interests but also to enhance its strategic regional presence. There is evidence to suggest that China is comprehensively building up its maritime power in all dimensions. Its growing reliance on bases across the Indian Ocean region is a response to its perceived vulnerability, given the logistical constraints that it faces due to the distance of the Indian Ocean waters from its own area of operation. Yet, China is consolidating power over the South China Sea and the Indian Ocean with an eye on India. This power consolidation was expressed in an oft-cited secret memorandum issued by the director of the General Logistic Department of the PLA: "We can no longer accept

the Indian Ocean as only an ocean of the Indians _ We are taking armed conflicts in the region into account."[3]

China deployed its Jin class submarines in 2008 at a submarine base near Sanya in the southern tip of Hainan Island in South China Sea, raising alarm in India as the base is merely 1,200 nautical miles from the Malacca Strait. The base will be its closest access point to the Indian Ocean. The base also has an underground facility that can hide submarine movement. The concentration of strategic naval forces at Sanya will further propel China towards a consolidating its control over the surrounding Indian Ocean region. The presence of access tunnels on the mouth of the deep water base is particularly troubling for India. This is because of the strategic implications, allowing China to interdict shipping at the three crucial choke points in the Indian Ocean. The choice of Hainan is poor, but no alternatives exist as other places are hemmed in by islands. So China's chief maritime nuclear base is also currently her southernmost point. She would want the waters around clear so that, among other things, no one can track her submarines.

As the ability of China's navy to project power in the Indian Ocean region grows, India is likely to feel even more vulnerable despite enjoying distinct geographical advantages in the area. China's presence there is troubling as it restricts India's freedom to maneuver in the region. Of particular note is China's so-called "string of pearls" strategy that has significantly expanded its strategic depth in India's backyard.

This strategy of bases and diplomatic ties includes the Gwadar port in Pakistan, naval outposts in Burma, electronic intelligence gathering facilities on islands in

the Bay of Bengal, funding construction of a canal across the Kra Isthmus in Thailand, a military agreement with Cambodia and building up of forces in the South China Sea.[4] Some of these claims are exaggerated, as has been the case with the Chinese naval presence in Burma. The Indian government, for example, had to concede in 2005 that reports of China turning Coco Islands in Burma into a naval base were incorrect and that there were indeed no naval bases there.

Yet the Chinese thrust into the Indian Ocean is gradually becoming more pronounced. The Chinese may not have a naval base in Burma but they are involved in the upgrading of infrastructure in the Coco Islands and may be providing some limited technical assistance to Burma. Given that almost 80 percent of China's oil passes through the Strait of Malacca, it is reluctant to rely on U.S. naval power for unhindered access to energy. Consequently, it has decided to build up its naval power at choke points along the sea routes from the Persian Gulf to the South China Sea. China is also courting other states in South Asia by building container ports in Bangladesh at Chittagong and in Sri Lanka at Hambantota. Consolidating its access to the Indian Ocean, China has signed an agreement with Sri Lanka to finance the development of the Hambantota Development Zone, which includes a container port, a bunker system, and an oil refinery. It is possible that the China's construction of these ports and facilities around India's periphery can be explained away on purely economic and commercial grounds, but India views it as a policy of containment.

China's involvement in constructing the deep-sea port of Gwadar has attracted significant attention due to its strategic location-about 70 kilometers from the Iranian border and 400 kilometers east of the Strait of Hormuz, a major oil supply route. Some suggest that it will provide China with a "listening post" from where it

can "monitor U.S. naval activity in the Persian Gulf, Indian activity in the Arabian Sea, and future U.S.-Indian maritime cooperation in the Indian Ocean."[5] Though Pakistan's naval capabilities do not, on their own, pose any challenge to India, the combinations of Chinese and Pakistani naval forces can indeed be formidable for India to counter.

China's aspirations to achieve naval domination of Indian Ocean remain a bit far-fetched in the short to medium term. China would certainly like to play a greater role in the region, and protect and advance its interests, especially Chinese commerce, as well as counter India. But given the immense geographical advantages that Indian enjoys in the Indian Ocean, China will have great difficulty in exerting as much sway in the Indian Ocean as India can. But China's assertion of its naval prowess is raising vexing issues regarding the role of Indian naval power in the Indian Ocean. The Indian and Chinese navies are growing and acquiring the capability to operate at long distances. Maritime friction is likely to grow as the Indian Navy tries to expand its footprint in the South China Sea and the Western Pacific, even as the Chinese Navy increases its presence in the Indian Ocean.

INDIA PLAYS CATCH UP

The Indian Navy is aiming for a total fleet of 140-145 vessels over the next decade, built around two carrier battle groups: Admiral Gorshkov which will now be handed over to India only by 2013 and the indigenous carrier, the 37, 500-tonne STOBAR Air Defense Ship likely to be completed by 2015. India's ambition to equip its navy with two or more aircraft carriers over the next decade, as well as its decision to launch its first indigenous nuclear submarine in 2009, is seen as crucial for power projection and to achieve a semblance of strategic autonomy. India's

emerging capability to put a carrier task force as far as the South China Sea and the Persian Gulf has given boost to Indian Navy's blue-water aspirations and India hopes to induct a third aircraft carrier by 2017, ensuring that the Indian Navy has two operational carriers at any given point. The deployment of the Jin class submarine at Hainan by China will also force India to speed up its indigenous nuclear submarine project that has been in the making for more than a decade now with the Indian Navy, rather ambitiously, aiming at the induction of five indigenous Advanced Technology Vehicle (ATV) nuclear submarines. A submarine-based nuclear arsenal is considered critical by Indian strategists to retain a second-strike capability. While a focus on augmenting its platforms, systems and weapons is clearly visible in the Indian Navy, concomitant changes in doctrine and organization have been relatively slow to come by.

India is using its naval forces to advance its diplomatic initiatives overseas and in particular towards shaping the strategic environment in and around the Indian Ocean. Indian interests converge with those of the United States in the Indian Ocean region and it is trying to use the present upswing in U.S.-India ties to create a more favourable strategic environment for itself in the region despite its historical sensitivities to the presence of U.S. forces in the Indian Ocean. The United States has also recognized the importance of India's role in the region, viewing it as crucial in maintaining peace and stability in the Indian Ocean and its vast periphery. The U.S. and Indian navies have stepped up their joint exercises and the United States has sold India the USS Trenton (renamed INS Jalashwa), the first of its class to be inducted into the Indian Navy. The United States would like India to join its Container Security Initiative (CSI) and Proliferation Security Initiative (PSI) but India remains reluctant. PSI is viewed as a U.S.-led initiative

outside the United Nations mandate while the CSI would result in the presence of U.S. inspectors in Indian ports, making it politically radioactive.

However, India has indicated that it would be willing to join the U.S.-proposed 1,000-ship navy effort to combat illegal activities on the high seas, given the informal nature of the arrangement. India is seen as a balancer in the Asia-Pacific where the U.S. influence has waned relatively even as China's has risen. India's ties with Japan have also assumed a new dynamic with some even mooting a "concert of democracies" proposal involving the democratic states of the Asia-Pacific working towards their common goals of a stable Asia-Pacific region. While such a proposal has little chance of evolving into anything concrete in the near term, especially given China's sensitivities, India's decision to develop natural gas with Japan in the Andaman Sea and recent military exercises involving United States, Japan, India and Australia does give a sense of India's emerging priorities.

India's "Look East" policy, originally aimed at strengthening economic ties with its Southeast Asian neighborhood, has now led to naval exercises with Singapore, Thailand, and Indonesia. The member states of the Association of South-East Asian Nations (ASEAN) have joined the Indian Navy in policing the Indian Ocean region to check piracy, trafficking and other threats to sea-lanes. India has also accelerated its naval engagement with a number of Persian Gulf states, making port calls and conducting exercises with the navies of Kuwait, Oman, Bahrain, Saudi Arabia, Qatar, United Arab Emirates, and Djibouti. It has also engaged with the navies of other major powers in the region such as the United States, the United Kingdom, and France. To more effectively counter Chinese presence in the Indian Ocean and to protect its trade routes, India will have to seek access to the Vietnamese, Taiwanese, and Japanese ports for the forward deployment of its naval

assets. India is already emerging as an exclusive "defense service provider" for smaller states with growing economies that seek to strengthen their military capabilities in South-east Asia and West Asia-such as Vietnam, Indonesia, Malaysia, Singapore, Qatar, and Oman, providing it access to ports along the Arabian coast, Indian Ocean, and South China Sea.

THE NUCLEAR DYNAMIC

China remains the only major power that refuses to discuss nuclear issues with India for fear of implying a de facto recognition of India's status as a nuclear power. It continues to insist on the sanctity of the UN resolution 1172 which calls for India (and Pakistan) to give up its nuclear weapons program and join the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear weapon state. In sum, China has refused to engage in any nuclear dialogue with India that might give the impression it recognizes India as a nuclear power. For the same reason, China refuses to discuss nuclear confidence building and risk reduction measures with India. Interestingly, a large section of China's political and military elite views India's nuclear tests in 1998 not as an attempt by India to address its security concerns but rather one by the United States to contain China in so far as the United States "allowed" India to go nuclear.

The U.S.-India civilian nuclear energy cooperation pact came as a shock to Beijing. China made every possible effort to scuttle the deal until the last minute. It made its displeasure with the nuclear pact clear by asking India to sign the NPT and dismantle its nuclear weapons. Since the U.S.-India deal is in many ways a

recognition of India's rising global profile, China, not surprisingly, was not happy with the outcome and quickly declared that it would be selling new nuclear reactors to Pakistan. This was a not so subtle message to the United States that if Washington decided to play favorites, China also retained the same right.

Beijing viewed the nuclear deal through the lens of global balance of power and was perturbed about the U.S. desire to build India as a balancer in the region. China was opposed to an exemption to India from the NSG guidelines, even threatening to walk out of the NSG proceedings at Vienna in 2008 in its attempts to derail negotiations at the eleventh hour. The Chinese leadership refused to receive the Indian Prime Minister's call during the crisis. Only when the other states were persuaded by the United States to support the deal and China realized that it would be last state standing, did it back off from its obstructionist stance. China's actions regarding the nuclear pact have conveyed to India that even as India tries hard to break out of the straitjacket of being a South Asian power by forging a strategic partnership with the United States, China will do its utmost to contain India by building up its neighboring adversaries.

To counter the U.S.-India nuclear pact, China has decided to allow its state entities to supply two new nuclear reactors to Pakistan. Chinese authorities have confirmed that the state-owned China National Nuclear Cooperation has signed an agreement with Pakistan for two new nuclear reactors at the Chashma site-Chashma III and Chashma IV-in addition to the two it is already working on in Pakistan. This action of China will be in clear violation of the NSG guidelines that forbid nuclear transfers to countries not signatories to the NPT or adhere to comprehensive international safeguards on their nuclear program. China has suggested that "there

are compelling political reasons concerning the stability of South Asia to justify the exports," echoing Pakistan's oft-repeated compliant that U.S.-India nuclear pact has upset regional stability by assisting India's strategic program.[6] Unlike the much debated U.S.-India nuclear pact, the Sino-Pakistani agreement is mired in secrecy, with Beijing even ready to short-circuit the NSG process.[7] Disregarding Indian and global concerns, China has contended that the sale of two new reactors is "grandfathered" from before it joined the NSG in 2004 and, therefore, an exemption from the NSG is not required. The decision to supply reactors to Pakistan, a non-signatory to the NPT and with a record of dealing with North Korea, Iran and Libya, reflects China's growing diplomatic confidence and underscores its view of Pakistan as a prized South Asian strategic power.

BORDER TENSIONS

China has vigorously asserted its old claims along the border with India and has combined it with aggressive patrolling. Violating the 1993 India-China agreement on peace and tranquillity on the Line of Actual Control, Chinese troops have been engaging Indian troops in verbal abuses, asking them to leave their own territory. even as India considered the Sikkim border issue settled, repeated Chinese incursions in the Finger Area in northern Sikkim, in the past few years, are aimed at opening a fresh front against India. Beijing is also determined to put the historically undisputed border with Sikkim back in contestation. Concerns are growing about covert Chinese intrusions into the Indian territory to strengthen its claims on the disputed border areas. Chinese forces regularly intrude into Bhutanese territory at the tri-junction with India and destroy Indian Army posts. These incursions are strategic as they are precariously close to India's

"chicken-neck"-the Siliguri corridor which links the north-east passage. Chinese intrusions into the non-delineated parts of Bhutan's northern border with Tibet are also aimed at forcing Bhutan to settle its boundary issue with China.

In addition, China's rapid expansion and modernization of its transport infrastructure across the border is forcing India to respond though India remains decades behind. The build-up of infrastructure in Tibet should have rung alarm bells in Delhi years ago. China's transportation modernization plans across the Himalayas had been evident for decades. Yet India was lackadaisical demonstrating little sense of urgency to this issue of critical national security. Improved infrastructure helped China to rapidly deploy troops in Tibet when the riots broke out in 2008. The railway link between Beijing and Lhasa further tightens China's grip on Tibet. China's ambition is to extend the Beijing-Lhasa rail line to Yatung just a few miles from Sikkim's Nathu La and subsequently extend this to Nyingchi, north of Arunachal Pradesh, at the tri-junction with Myanmar. China's ambitions about developing its border areas contrast vividly with India's tentative stance on infrastructure development.

China's transformation of the transport infrastructure in Yunnan, Tibet and Xinjiang-the provinces that border South Asia-and its decision to build road and rail networks across the borders of these areas, has changed or revolutionized geopolitics in India's vicinity. India is struggling to cope with the decay in its border infrastructure. Only recently has it started building several tactically important roads along the China border in the eastern and western sectors.

A FORMIDABLE CHALLENGE

India's challenge remains formidable. While it has not yet achieved the economic and political profile that China enjoys regionally and globally, India is increasingly bracketed with China as a rising or emerging power-or even a global superpower. Indian elites, who have been obsessed with Pakistan for more than 60 years, suddenly have found a new object of fascination. India's main security concern now is not the increasingly decrepit state of Pakistan but an ever more assertive China. This shift is viewed inside India as one that can facilitate better strategic planning.

India's defeat at Chinese hands in 1962 shaped the Indian elite's perceptions of China, and they are unlikely to alter them in the near future. China is, thus, viewed by India as a growing, aggressive nationalistic power whose ambitions will undoubtedly reshape the contours of the regional and global balance of power with deleterious consequences for Indian interests.

China's recent hardening toward India could well be a function of its own internal vulnerabilities, but that no consolation to Indian policymakers who must respond to an Indian public that increasingly wants its country to assert itself in the region and beyond. India is gearing up belatedly to respond with its own diplomatic and military overtures, setting the stage for a Sino-Indian strategic rivalry. Both India and China have a vested interest in stabilizing their relationship by seeking out issues where their interests converge. However, pursuing mutually desirable interests does not produce inevitably satisfactory solutions to strategic problems. A troubled history coupled with the structural uncertainties engendered by their simultaneous rise is propelling the two Asian giants into a trajectory that they

might find difficult to navigate in the coming years. Sino-Indian ties have entered turbulent times, and they are likely to remain there for the foreseeable future.

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FPRI, 1528 Walnut Street, Suite 610, Philadelphia, PA 19102.

Interview with Commodore Uday Bhaskar. Delhi, India, December 27, 2012:

India-China relations; South China Sea, Indian ocean.

SH: What are India's priorities?

CMDR: India and the navy can't be seen in isolation, they should be seen in a fiscal context; there is a glass ceiling. Between 1947 and 1961 the navy was remarkably efficient. In 1961 we had a capability for a carrier and 2 subs. Indian army gets more funding- 10-16 percent, navy gets less; the air force get 18-22 percent- 56 percent of the budget. Funding for the army is huge: army: air force: navy= 22:2:1

SH: what are your interests in the South China Sea?

CMDR: Navigation and oil are our main goals. It's about freedom of navigation and security consistency. And it goes beyond oil and navigation. But our primary interest in the Indian Ocean/Western Pacific…the South China Sea is our secondary area of interest. You should look at the 2009 Strategic Review "India Naval Maritime Document". It states our goals.

SH: What is the nature of the Indian relationship with Vietnam? The Chinese say this relationship is very dangerous.

CMDR: The politics of the situation are very traditional and strong as we have always stood up for Vietnam. But this has not translated into more exercises with Singapore. We have a very elemental relationship with Vietnam and there is a lot of Indian good will towards them. The Vietnamese have asked the Indians to train their personal for the K-25 aircraft which are similar to the Sirkorski's. But the Vietnamese are exaggerating the relationship with India. It's policy not selling (maybe low grade goods) because India is cautious where China might be involved. We don't trade and are mindful of China's sensitivities. India has not sold arms to anyone. India has pulled out because there was no oil, not because the Chinese

"I do not see India really acting unless it's in our interest. We have a deep concern about the nature of the China/Pakistan relationship, its complex linkage, larger than life." We must look at how China looks at issues. We must separate policy dealings with each country and how China will deal with a unifying proposal. They would prefer to deal bilaterally. China and India are closely linked and there has been an intense response from the BJP party. China's politics resonant in India, but the South China Sea won't generate an emotional response or become an emotional issue like land issues. It will not get the same attention.

SH: Assess the Chinese position in the South China Seas

CMDR: The US will respond but India will wait and see . The Chinese want to cover lost ground. They have lost face with ASEAN. The Chinese are trying to recover. Chinese thought this through but have done a great job tactically.

WHY? Because of China's strategic failure. Maybe because of factional fights, not just blood on the floor but bodies. Bodies disappear. China has overplayed its hand. China feels comfortable bank rolling countries. China will save face and will try to find a way out of this diplomatically. There are difficulties with joint ventures and limit disputes to sharpest pints and can take 10 years or longer. China plays for times. China won't agree to anyone else having jurisdiction. China can't make concessions over land (Tibet and Singjang) but naval claims are different (James).

Originally China said it was the core issue but then changed their view- it's unclear.

CMDR: I think they have taken their land claims to sea. The motherland (Tibet and Taiwan) now extend their territory to the sea.

SH: What about China's facilities in Quatar or Gwadar?

CMDR: This is a vulnerable harbor. "Let the Chinese come and we can take punitive action" It's not a protected harbor. US was surprised by the Chinese interest in the harbor.

The West has been hasty in Burma as many non-Burmese are very disappointed in San Sang Syu Chi.

SH: What about the Andaman Islands? Have the Chinese employed the 3 warfares there?

CMDR: It's not legally held by India. It's an internal lake, Indian Ocean is not India's ocean. There is no presence in the Andamans. The Chinese presence in Mandalay is strong.

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XI. LIST OF INTERVIEWEES

WASHINGTON

Rear Admiral Walt Doran, USN

Vice Rear Admiral Lee F. Gunn USN (ret.) President, Institute for Public Research CNA

Rear Admiral Mike McDevitt USN (ret.)

Rear Admiral James R. Stark, USN (ret.)

Rear Admiral Ronald Christianson, USN (ret.)

Paul S. Giarra, President, Global Strategies & Transformation, Washington, D.C.

US NAVAL WAR COLLEGE

Dutton, Peter, CIV, NAVWARCOL NWC, CIV,

Chase, Michael S. CIV, NAVWARCOL,

Yoshihara, Toshi, CIV, NAVWARCOL,

Holmes, James R. CIV, NAVWARCOL,

Capt. William Bundy, USN, USNWC

Fedyszyn, Thomas, CIV, NAVWARCOL

Murray, William, CIV, NAVWARCOL

Goldstein, Lyle, CIV, NAVWARCOL

Li, Nan CIV, NAVWARCOL

PACOM

Maj. General Michael Keltz, US Army. Meeting held at Wilton Park, Foreign Office, UK. March 2013.

CDR. John C Myers, PACOM, SSB/China SFB

Lieutenant Colonel, Kevin W. Koerner, US Army, PACOM, J51

Dr. Timothy Heath, CIV PACOM, JIOC J2;
PACOM China Strategic Focus Group Senior Analyst
Deputy China Adviser, J2

Maj. Aaron Brooks MAJ PACOM, J5EA;

Maj. James Baker, PACOM, J5;

Lt. Col Paul Mancinelli, PACOM, China SF [Interview]

ASIA PACIFIC CENTER SECURITY STUDIES

Brigadier General James T. Hirai, USA (ret.), Deputy Director, Asia-Pacific Center for Security Studies, Hawaii

Dr. Mohan Malik, Professor, Asia-Pacific Center for Security Studies, Hawaii.

Lt. Col. Stephen D. Terstegge, US Army, Strategist and Plans Officer, Asia-Pacific6.

Dr. Justin Nakivell. International law expert. Law of the Sea with an emphasis on the South China Sea Asia Pacific Center for Security Studies, Hawaii

David Fouse, Associate Professor, Asia-Pacific Center for Security Studies, Hawaii

CDR Paul “PJ” Tech, Registrar/Military Faculty, Asia-Pacific Center for Security Studies

Carleton R. Cramer, J.D. LL.M, Academic chief of Staff, Asia-Pacific Center for Security Studies, Hawaii

UNITED KINGDOM

Major General N.P. Carter, Director land Warfare, HQ Land Warfare Centre, UK

Rear Admiral Bruce Williams RN, Deputy Director General European Union Military Staff

James Henry Bergeron, Political Adviser, Naval Striking and Support forces, NATO

Air Commodore E. J. Stringer CBE, RAF, Commandant Air Warfare Centre, MOD, UK

Gp Capt Ross Bailey, Deputy Commandant, Air Warfare Centre, MOD, UK

Professor Tarik Barkawi, London School of Economics, UK

Professor Paul Cornish, Imperial War College, London

Dr. Tristram Riley-Smith, London

Professor Brendan Simms, University of Cambridge

Professor Christopher Andrew, University of Cambridge

JAPAN

Shinjiro Koizumi, Member of the House of Representatives, LDP

Nobukatsu Kanehara, Assistant Chief Cabinet Secretary, Office of the Prime Minister

Hirofuni Katase, Director-General for International Trade Policy, Ministry of Trade, Economy and Industry

Nobuhiko Sasaki, Vice Minister for International Affairs, Ministry of Economy, Trade and Industry

Seiji Takagi, Director, Northeast Asia division, Ministry of Economy, trade and Industry

Takeo Akiba-Deputy Director-General, North American Affairs Bureau, MOFA, Tokyo

Yukio Satoh-Vice chairman, The Japan Institute of International Affairs, Tokyo

Vice Rear Admiral Yoji Koda JMSDF (ret.)

Yukio Okamato-President, Okamato Associates, Inc. Tokyo

Shoicharo Hayashi, Director, Program Development, The Sasakawa Peace Foundation, Tokyo

Junichi Fukuda, Associate Program Officer, The Sasakawa Peace Foundation, Tokyo

Nobushige Takamizawa, President, National Institute of Defense Studies, Ministry of Defense.

Dr. Tomotaka Shoji, Senior Research Fellow, Asia-pacific Division, Regional Studies Department, National institute for Defense Studies, Japan

Eiichi Katahara, PhD. Director, Regional Studies Department, National Institute for Defense Studies, Japan

Hiromu Arakaki, Research Fellow, The National Institute for Defense Studies, Tokyo

Shuji Sue, The National Institute for Defense Studies, Ministry of Defense,Tokyo

LCDR Keitaro Ushirogata, Researcher Strategy and Operations, JMSDF Staff College, Tokyo

CDR. Ishihara Takahiro, JMSDF Naval War College

Captain Yoichi Sugimoto, Head, Strategies and Operations studies Group, JMSDF Staff College

Naoto Yagri, Ph.D JMSDF Staff college

Professor Daisaku Sakaguchi, School of Defense Sciences, National Defense Academy

6. RADM JMSDF Hidetoshi Iwasaki, Vice President, JMSDF War College, Tokyo

INDIA

Executive Committee of the Indian National Maritime Foundation—Meeting was Chaired by Commodore C. Uday Bhaskar. December 2012.

Vice Rear Admiral Pradeep Kaushiva, Director, National Maritime Foundation

CMDR. C. Uday Bhakskar, VSM, Deputy Director, National Maritime Foundation

Kamiesh K. Agnihoti, Research Fellow, China Cell, National maritime Foundation

Abhijit Singh, Research Fellow, National maritime foundation

CHINA

Ruan Zongze, Minister Counselor, Embassy of the Republic of China, Washington

Chen Wei, Senior colonel, Assistant Military Attache, PRC Embassy, Washington

HONG KONG

Eddie Mak, Director-General, Government of Hong Kong Special Administrative Region

XII. CONTRIBUTORS' RESUMES

Commodore Uday Bhaskar, IN (Ret.) served in Indian Navy for 37 years until till 2007. Currently, he is Director of the National Maritime Foundation in Delhi, India and a lecturer at the Indian National Defense College and other military colleges.

He is a columnist, editor, and contributor of numerous research-articles on nuclear and international security issues to journals in India and abroad. He is also a life member of the United Services Institute (USI). He was associated with Institute for Defense Studies and Analyzes (IDSA) from 1990, served as Deputy Director from 1996 to 2004 and as an Officiating director of IDSA from 2004 to 2005.

Rear Admiral James Goldrick, RAN (ret.) was a senior officer in the Royal Australian Navy until he retired from full time service in 2012. He is an author and a naval historian and analyst of contemporary naval and maritime affairs. He currently holds the position of Fellow at the Sea Power Centre - Australia. He is a Visiting Fellow of the Lowy Institute, an Adjunct Professor in the School of Humanities and Social Sciences in the University of New South Wales at the Australian Defense Force Academy and a Professorial Fellow of the Australian National Centre for Ocean Resources and Security at the University of Wollongong.

James R. Holmes is professor of strategy at the Naval War College and senior fellow at the University of Georgia School of Public and International Affairs. A former US Navy surface warfare officer, he served as military professor at the Naval War College, College of Distance Education, and as director of a steam engineering course at the Surface Warfare Officers School Command. On sea duty he served as an engineering and gunnery officer on board the battleship *Wisconsin*. He is a combat veteran of the First Gulf War.

Professor Mohan Malik **c**ame to the Asia-Pacific Center for Security Studies in February 2001 from Deakin University in Australia where he was Director of the postgraduate Defense Studies Program. He obtained his Ph.D. in International Relations from the Australian National University, M.Phil in Chinese Studies from Delhi University and Advanced Diploma in Chinese language from Beijing University. He is a trained Sinologist and has broad research interests in Asian Geopolitics, China's Asia strategy, and nuclear proliferation in the Asia-Pacific. Dr. Malik has lectured at the Australian Joint Services Staff College, Warfare Studies Center, and Australian Defense College and has held Visiting Fellowships at a number of strategic policy "think-tanks" in Asia, Europe and the United States.

Mr. Peter Mattis is the Editor of ***China Brief*** at The Jamestown Foundation in Washington. Mr. Mattis received his M.A. in Security Studies from the Georgetown University's School of Foreign Service and earned his B.A. in Political Science and Asian Studies from the University of Washington in Seattle. He has studied at Tsinghua University in Beijing, taking Chinese language courses

and auditing courses on Chinese history and security policy. Mr. Mattis worked as a Research Associate at the National Bureau of Asian Research in its Strategic Asia and Northeast Asian Studies programs, providing research assistance and editing support. Most recently, Mr. Mattis worked as an international affairs analyst for the US Government. He is proficient in Mandarin Chinese and possesses elementary German language skills.

Professor James B. L Mayall, FBA was appointed as the first Sir Patrick Sheehy Professor of International Relations in the University of Cambridge. He became Director of the Centre of International Studies in January 1999, and was elected a Fellow of the British Academy in 2001. After a period in the British High Commission in New Delhi, James Mayall taught International Relations at the London School of Economics and Political Science between 1966 and 1998. From 1991-94 he was Convenor of the Department of International Relations.

James Mayall has written and published widely on North-South relations, international theory and the impact of nationalism on international relations. His Over the past decade his research and writing has concentrated on the resurgence of ethnic, national, and religious conflicts since the end of the Cold War and the international reaction to them.

Rear Admiral Mike McDevitt *USN (Ret.)* is the Director of the Center for Strategic Studies for The CNA Corporation. Previously, he has served as Director of Long Range Planning for the Navy; Director of the East Asia Policy Office for the Secretary of Defense; Director for Strategy, War Plans and Policy for the Commander of all US forces in the Pacific and Indian Ocean Region; and as

Commandant of the National War College. During his Navy career, Rear Admiral McDevitt held four at-sea commands, including a Minesweeper, a Destroyer, a Squadron of nine Destroyers, and an Aircraft Carrier Battlegroup consisting of over 8500 servicemen and $15 billion in military equipment under his Command.

Professor Justin D. Nankivell came to the Asia-Pacific Center for Security Studies in July 2008 from the University of Victoria, Canada where he taught courses in international organization and international security. He also taught international relations, Canadian foreign policy, civil-military relations, and Canadian politics at the University of Vancouver Island and Canada's Royal Military College. Dr. Nankivell holds a PhD in political science from the University of British Columbia (UBC), and a Masters of International Law from the University of Nottingham (UK), with specific focus on public international law and international criminal justice/criminal law and the laws of armed conflict. His current research is divided into two areas: 1) the relationship of international law to international politics and foreign policy decision-making, with particular emphasis on how international law 'works' within the international system and structures states' policy choices. Dr. Nankivell is currently writing on the law of the sea, with focus on the South China Sea and the Arctic region; 2) the field of security sector development (SSD), constituted by the relationship between the security institutions of the state, domestic political and judicial institutions, and the broader sectors of civil and international society. In SSD areas of governance and law, Dr. Nankivell conducts research primarily in Southeast and South Asia.

Geoffrey Till is a British naval historian and Professor of Maritime Studies in the Defense Studies Department of King's College London. He is the Director of the Corbett Centre for Maritime Policy Studies.

Till was first appointed visiting lecturer at Kings College London in 1983. In 1989 he was appointed professor of history at the Royal Naval College, Greenwich while also teaching at the Open University. In 1988 he was a NATO Defence Fellow and visiting scholar at the United States Naval Postgraduate School, Monterey, California. In 1989, Till held the Foundation Chair in Military Affairs at the United States Marine corps University, Quantico, Virginia.

With the closure of the Royal Naval College, Greenwich, Till moved to the Joint Services command and Staff College where he served as the Dean of Academic Studies, a position he help concurrently with his King's College London chair and headship of the Department of the Defence Studies Department, until September 2006, when he received a Fellowship at Kings College, London. He is also a Member of Council of the Royal United Services Institute.

Professor Philip Towle was Deputy Director of The Centre of International Relations (1982-93) and then Director of the Centre of International Studies (1993-1998). Prior to that he was a Senior Research Fellow at the Australian National University. Dr. Towle's research interests are in East Asian security, arms control, and post-war peace conferences. He has published analyzes of media coverage of the Russo-Japanese, Falklands, Gulf and Bosnian Wars. Earlier in his career Dr. Towle was employed by the Reuters News Agency and the Foreign and Commonwealth Office.

Timothy A. Walton is an Associate of Delex Consulting, Studies, and Analysis (CSA). Employing his Mandarin proficiency, he specializes in Sino-American reciprocal force dynamics and provides our government, industry, and international partners with expert assistance in strategic planning, CONOPS development and analysis, requirements and capabilities analysis, and capture shaping. He has published on topics ranging from China's "Three Warfares" to the US F-22 procurement debate. Previously, he served as a Carroll Fellow at Georgetown University, from which he earned a BA in International Politics, studied and conducted research at Nanjing University, and held posts at the Center for Strategic and International Studies and the Federation of American Scientists.

XIII. PROJECT ADVISERS' RESUMES

ADMIRAL WALT DORAN

Admiral Walt Doran, **USN** (Ret.) served as the Commander in Chief, United States Pacific Fleet from May 2002 to July 2005. Admiral Doran attended the Indian Defense Services Staff College in Wellington, India, where he earned a Master's Degree in Defense Studies. Admiral Doran's personal awards include the Defense Distinguished Service Medal (with one bronze oak leaf), Navy Distinguished Service Medal, Legion of Merit (with four Gold Stars), Navy and Marine Corps Commendation Medal (with Combat V), and the Navy and Marine Corps Achievement Medal (with one Gold Star).

MR. PETER MATTIS

Mr. Peter Mattis is the Editor of ***China Brief*** at The Jamestown Foundation. Mr. Mattis received his M.A. in Security Studies from the Georgetown University's School of Foreign Service and earned his B.A. in Political Science and Asian Studies from the University of Washington in Seattle. He has studied at Tsinghua University in Beijing, taking Chinese language courses and auditing courses on Chinese history and security policy. Mr. Mattis worked as a Research Associate at the National Bureau of Asian Research in its Strategic Asia and Northeast Asian Studies programs, providing research assistance and editing support. Most recently,

Mr. Mattis worked as an international affairs analyst for the US Government. He is proficient in Mandarin Chinese and possesses elementary German language skills.

REAR ADMIRAL MIKE MCDEVITT

Rear Admiral Mike McDevitt*(USN RET.)* is the Director of the Center for Strategic Studies for The CNA Corporation. Previously, he served as Director of Long Range Planning for the Navy; Director of the East Asia Policy Office for the Secretary of Defense; Director for Strategy, War Plans and Policy for the Commander of all US forces in the Pacific and Indian Ocean Region; and as Commandant of the National War College. During his Navy career, Rear Admiral McDevitt held four at-sea commands, including a Minesweeper, a Destroyer, a Squadron of nine Destroyers, and an Aircraft Carrier Battle Group consisting of over 8500 servicemen and $15 billion in military equipment under his Command.

PROFESSOR JAMES B.L. MAYALL, FBA

Professor James B. L. Mayall is the Emeritus Sir Patrick Sheehy Professor of International Relations, University of Cambridge. He was Director of the Centre of International Studies, University of Cambridge 1998-2004; Emeritus Professor 2004, Fellow of Sidney Sussex College, Cambridge 1998-2004; Emeritus fellow 2004-Vice Master, Sidney Sussex College, Cambridge, 2003-2004. His publications include: Nationalism and International Society (Cambridge, Cambridge University Press, 1990); World Politics: Progress and its Limits Cambridge, Polity Press, 2000); with Krishnan Srinivasan, Towards the New

Horizon: World Order in the 21st Century (New Delhi, Standard Publishers (India), 2009)

DR. MICHAEL PILLSBURY

Dr. Michael Pillsbury was the Assistant Under-Secretary of Defense for Policy Planning during the Reagan administration, responsible for implementation of the program of covert aid known as the Reagan Doctrine. In 1975-76, while an analyst at the RAND Corporation, Pillsbury published articles in *Foreign Policy* and *International Security* recommending that the United States establish intelligence and military ties with China. The proposal later became US policy during the Carter and Reagan administrations. In 1992, under President George H. W. Bush, Pillsbury was Special Assistant for Asian Affairs in the Office of the Secretary of Defence, reporting to Andrew W. Marshall, Director of Net Assessment. Pillsbury is a member of the Council on Foreign Relations and the International Institute for Strategic Studies.

REAR ADMIRAL JAMES STARK

Rear Admiral James Stark is a senior advisor with CNA as well as an independent consultant with The Spectrum Group of Alexandria, Virginia. Rear Admiral Stark completed a 33-year career in the US Navy as President of the Naval War College in Newport, Rhode Island. A surface warfare officer, Stark commanded the NATO Standing Naval Force Atlantic, directing its operations in support of the United Nations embargo of Serbia and Bosnia. He has an extensive background in

political-military policy and planning, having served in this area on both the National Security Council and the Navy Staff. He commanded USS Leahy (CG 16) and USS Julius A. Furer (FFG 6). Stark holds a Bachelor of Science degree from the U.S. Naval Academy. He attended the University of Vienna as a Fulbright Scholar and holds two Masters Degrees and a Doctoral Degree in Political Science from the Fletcher School of Law and Diplomacy, Tufts University.

PROFESSOR PHILIP TOWLE

Professor Philip Towle joined the Centre for International Relations, University of Cambridge Department of Politics and International Studies in 1980. He was Deputy Director (1982-93) and then Director of the Centre of International Studies (1993-1998). Previously he was a Senior Research Fellow at the Australian National University. Dr. Towle's research interests are in East Asian security, arms control, and post-war peace conferences. His books have included a focus on media coverage of the Russo-Japanese, Falklands, Gulf and Bosnian Wars. Earlier in his career Dr. Towle was employed by the Reuters News Agency and the Foreign and Commonwealth Office.